FEDERAL REGISTER

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Washington, Tuesday, April 21, 1942

The President

EXECUTIVE ORDER 9138

PROVIDING FURTHER FOR THE ADMINISTRATION OF THE REQUISITIONING OF PROPERTY REQUIRED FOR THE PROSECUTION OF THE WAR

By virtue of the authority vested in me by the Constitution and the statutes, and particularly by Title VI of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), as President of the United States, and in order to secure the use of the resources of the country in the most effective manner for the successful prosecution of the war, it is hereby ordered as follows:

1. In addition to the authority conferred upon the Chairman of the War Production Board and the heads of certain departments and agencies by Executive Order No. 8942 of November 19, 1941,[1] and Executive Order No. 9040 of January 24, 1942,[2] such officials shall exercise in the manner provided in such Executive orders the authority conferred by Title VI of the Second War Powers Act, 1942, except that the determination described in paragraph 4 b (4) of Executive Order No. 8942 shall not be required.

2. Paragraph 4 b (4) of Executive Order No. 8942 of November 19, 1941, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 17, 1942.

[F. R. Doc. 42-3475; Filed, April 20, 1942; 10:31 a. m.]

EXECUTIVE ORDER 9139

ESTABLISHING THE WAR MANPOWER COMMISSION IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND TRANSFERRING AND COORDINATING CERTAIN FUNCTIONS TO FACILITATE THE MOBILIZATION AND UTILIZATION OF MANPOWER

By virtue of the authority vested in me by the Constitution and the Statutes, including the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, and for the purpose of assuring the most effective mobilization and utilization of the national manpower, it is hereby ordered:

1. There is established within the Office for Emergency Management of the Executive Office of the President a War Manpower Commission, hereinafter referred to as the Commission. The Commission shall consist of the Federal Security Administrator as Chairman, and a representative of each of the following Departments and agencies: The Department of War, the Department of the Navy, the Department of Agriculture, the Department of Labor, the War Production Board, the Labor Production Division of the War Production Board, the Selective Service System, and the United States Civil Service Commission.

2. The Chairman, after consultation with the members of the Commission, shall:

a. Formulate plans and programs and establish basic national policies to assure the most effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war; and issue such policy and operating directives as may be necessary thereto.

b. Estimate the requirements of manpower for industry; review all other estimates of needs for military, agricultural, and civilian manpower; and direct the several departments and agencies of the Government as to the proper allocation of available manpower.

c. Determine basic policies for, and take such other steps as are necessary to coordinate, the collection and compilation of labor market data by Federal departments and agencies.

d. Establish policies and prescribe regulations governing all Federal programs relating to the recruitment, vocational training, and placement of workers to meet the needs of industry and agriculture.

e. Prescribe basic policies governing the filling of the Federal Government's requirements for manpower, excluding those of the military and naval forces,

[1] 6 F.R. 5909.
[2] 7 F.R. 527.

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FEDERAL REGISTER

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and issue such operating directives as may be necessary thereto.

f. Formulate legislative programs designed to facilitate the most effective mobilization and utilization of the manpower of the country; and, with the approval of the President, recommend such legislation as may be necessary for this purpose.

3. The following agencies shall conform to such policies, directives, regulations, and standards as the Chairman may prescribe in the execution of the powers vested in him by this Order, and shall be subject to such other coordination by the Chairman as may be necessary to enable the Chairman to discharge the responsibilities placed upon him:

a. The Selective Service System with respect to the use and classification of manpower needed for critical industrial, agricultural and governmental employment.

b. The Federal Security Agency with respect to employment service and defense training functions.

c. The Work Projects Administration with respect to placement and training functions.

d. The United States Civil Service Commission with respect to functions relating to the filling of positions in the Government service.

e. The Railroad Retirement Board with respect to employment service activities.

f. The Bureau of Labor Statistics of the Department of Labor.

g. The Labor Production Division of the War Production Board.

h. The Civilian Conservation Corps.

i. The Department of Agriculture with respect to farm labor statistics, farm labor camp programs, and other labor market activities.

j. The Office of Defense Transportation with respect to labor supply and requirement activities.

Similarly, all other Federal departments and agencies which perform functions relating to the recruitment or utilization of manpower shall, in discharging such functions, conform to such policies, directives, regulations, and standards as the Chairman may prescribe in the execution of the powers vested in him by this Order; and shall be subject to such other coordination by the Chairman as may be necessary to enable the Chairman to discharge the responsibilities placed upon him.

4. The following agencies and functions are transferred to the War Manpower Commission:

a. The labor supply functions of the Labor Division of the War Production Board.

b. The National Roster of Scientific and Specialized Personnel of the United States Civil Service Commission and its functions.

c. The Office of Procurement and Assignment in the Office of Defense Health and Welfare Services in the Office for Emergency Management and its functions.

5. The following agencies and functions are transferred to the Office of the Administrator of the Federal Security Agency, and shall be administered under the direction and supervision of such officer or employee as the Federal Security Administrator shall designate:

a. The Apprenticeship Section of the Division of Labor Standards of the Department of Labor and its functions.

b. The training functions of the Labor Division of the War Production Board.

6. The National Roster of Scientific and Specialized Personnel transferred to the War Manpower Commission and the Apprenticeship Section transferred to the Federal Security Agency shall be preserved as organizational entities within the War Manpower Commission and the Federal Security Agency respectively.

7. The functions of the head of any department or agency relating to the administration of any agency or function transferred from his department or agency by this Order are transferred to, and shall be exercised by, the head of the department or agency to which such transferred agency or function is transferred by this Order.

8. All records and property (including office equipment) of the several agencies and all records and property used primarily in the administration of any functions transferred or consolidated by this Order, and all personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration) are transferred to the respective agencies concerned, for use in the administration of the agencies and functions transferred or consolidated by this Order; provided, that any personnel transferred to any agency by this Order, found by the head of such agency to be in excess of the personnel necessary for the administration of the functions transferred to his agency, shall be retransferred under existing procedure to other positions in the Government service or separated from the service. So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function transferred or consolidated by this Order or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the agency concerned, for use in connection with the exercise of functions so transferred or consolidated. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer or consolidation.

9. Within the limits of such funds as may be made available for that purpose, the Chairman may appoint such personnel and make provision for such supplies, facilities, and services as may be necessary to carry out the provisions of this Order. The Chairman may appoint an executive officer of the Commission and may exercise and perform the powers, authorities, and duties set forth in this Order through such officials or agencies and in such manner as he may determine.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 18, 1942.

[F. R. Doc. 42-3498; Filed, April 20, 1942; 1:32 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration

PART 1101—FOOD STAMP PLAN

Under the authority given to the Secretary of Agriculture by law, I, Claude R. Wickard, Secretary of Agriculture, make, publish, and give public notice of the following regulations, to supersede all prior regulations and to be in effect until amended or revised by the Secretary of Agriculture.

Definitions

§ 1101.100 *Definitions.* When used in the regulations in this part or in any other form or document in connection with the Food Stamp Plan the following words or terms shall have the meaning shown below:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

(b) "Administration" means the Agricultural Marketing Administration, United States Department of Agriculture.

(c) "Administrator" means the Administrator, the Assistant Administrator, or the Chief of the Distribution Branch of the Agricultural Marketing Administration.

(d) "Retail food store" means a merchandising establishment or an established trade route from which a retail merchant carries on the business of selling food to consumers.

(e) "Food" means any commodity or product sold in retail food stores to be eaten by persons, but shall not include:

(1) Any such commodity or product which is to be eaten in the store;

(2) Soft drinks, such as ginger ale, root beer, sarsaparilla, pop, artificial mineral waters (carbonated or not carbonated), or other carbonated waters or beverages;

(3) Wines, liquors, beers, or other alcoholic beverages;

(4) Tobacco in any form.

(f) "Blue-stamp food" means food grown and processed in the United States which is designated by the Secretary as blue-stamp food, and which is listed on Blue-Stamp Food Bulletins published and distributed by the Agricultural Marketing Administration.

(g) "Orange stamps" means orange colored food order stamps in denominations of twenty-five cents (25¢).

(h) "Blue stamps" means blue colored food order stamps in denominations of twenty-five cents (25¢).

(i) "Food stamps" means either orange or blue stamps or both.

(j) "Federal Surplus Commodities Corporation", "F. S. C. C.", "Corporation", or "Surplus Marketing Administration" shall be construed to mean the Agricultural Marketing Administration.

Use of Food Stamps

§ 1101.200 *Privilege of accepting food stamps.* The privilege of accepting food stamps may be granted to a retail food store upon compliance with such conditions as to eligibility to participate as in the judgment of the Administrator will effectuate the purposes of the food stamp program. The administrator may at any time place such restrictions upon participation or upon the duration of participation by any retail food store as he deems proper.

§ 1101.201 *Identification of food stamp user.* Food stamps must be used by the person to whom issued, or his agent. The name of the person to whom the stamps have been issued must be signed on the inside of the stamp book cover and be the same as the name signed on the person's stamp plan identification card or there must appear on the stamps the same number as appears on the person's stamp plan identification card.

§ 1101.202 *Food which may be exchanged for orange stamps.* Orange stamps may be accepted for any food, including blue-stamp foods.

§ 1101.203 *Food which may be exchanged for blue stamps.* Blue stamps may be accepted only for blue-stamp foods listed on Blue Stamp Food Bulletins currently in effect. Blue Stamp Food Bulletins will be issued by the Administration from time to time and distributed to all retail food stores participating in the food stamp program.

§ 1101.204 *Use of food purchased.* Food stamps may not be used for food to be eaten in a retail food store. Food delivered to any person for food stamps shall be eaten by the person to whom the food stamps were originally issued and his family

§ 1101.205 *Improper acceptance of stamps.* Food stamps may not be accepted in payment for any debts. However, retailers engaged in the house-to-house delivery of milk or bakery foods may accept stamps in payment for such foods previously delivered. Food stamps

may not be accepted as a deposit for the future delivery of food or blue-stamp food. Food stamps may be accepted in any retail food store only at the time food or blue-stamp food is delivered, except as provided herein, and only if such stamps are torn from the stamp book in the presence of the retailer or his employee or there appears on each food stamp the same number which is on the customer's stamp plan identification card.

§ 1101.206 *Making change.* No change in cash may be given for orange or blue stamps. Instead of giving change in cash, a credit slip may be given to the stamp customer for the unused part of a food stamp. This credit slip must show: (a) amount due, (b) color of stamp for which credit is due, and (c) name of retail store. Credit slips must be used by the persons to whom issued. Blue stamp credit slips can be accepted for blue-stamp food only. Orange stamp credit slips can be accepted for food.

§ 1101.207 *Restrictions.* No retail food store owner or employee may loan to any person money to be used to buy food stamps. Food stamps shall not be sold, transferred, assigned, or negotiated, or used for any purpose or to effect any arrangement, agreement, scheme or device contrary to the regulations in this part.

§ 1101.208 *Taxation.* The exchange of blue-stamp foods for blue stamps is not subject to any tax on retail sales, and no payment will be made by the Administration on claims supported by food stamps where the retail food store, because of a retail sales tax, has delivered blue-stamp food of an actual value of less than twenty-five cents (25c) for each blue food stamp or has otherwise passed the tax on to the blue stamp holder.

§ 1101.209 *Posting regulations and blue stamp food bulletins.* All retailers participating in the Food Stamp Plan must have posted in their store at all times the current official Blue Stamp Food Bulletin and a copy of the regulations in this part.

Payment for Food Stamps

§ 1101.300 *Claims.* Any retail food store owner may present a claim for the face value of all food stamps accepted in accordance with the regulations in this part. Payment will be made by the Administration on any such claim which is properly certified and presented for payment, provided the Administration is satisfied that a proper claim has been made.

§ 1101.301 *The collection agent.* A wholesaler or a bank may act as a collection agent for a retail food store in presenting to the Administration for payment claims supported by food stamps. The privilege of acting as a collection agent may at any time be conditioned upon compliance with such requirements and restricted as to such duration as in the judgment of the Administration will effectuate the purposes of the food stamp program.

Compliance

§ 1101.400 *Action against violators.* Any person who violates the regulations in this part may be denied the privilege of participating in the Food Stamp Plan and in the Cotton Stamp Plan. The Administrator, or such officer or employee of the Administration as the Administrator may designate for the purpose, may suspend payment on any claim or claims of an alleged violator and may deny an alleged violator the privilege of participating in the Food Stamp Plan and in the Cotton Stamp Plan pending a final determination. In any final determination payment may be denied on any claim or claims supported by food stamps found to have been obtained in violation of the regulations in this part. In the event the Administrator, or such officer or employee of the Administration as the Administrator may designate for the purpose, determine that any person has accepted food stamps in violation of the regulations in this part and has made and presented for payment, or has caused to be made and presented for payment, claims supported by such stamps, and that payment has erroneously been made thereon, a deduction of an amount deemed to be sufficient to offset the amount erroneously paid may be made from any claim or claims supported by either food stamps or cotton stamps, or both, obtained in full compliance with the regulations in this part and presented for payment by or for and on behalf of such person. The Administrator, or such officer or employee of the Administration as the Administrator may designate for the purpose, may take such action as may be deemed necessary to make effective any deduction, order of denial, or order of suspension.

§ 1101.401 *Rules of procedure and practice.* The Administrator may adopt such rules of procedure and practice as he may deem necessary in connection with violations of the regulations in this part.

§ 1101.402 *Criminal penalties.* Any person who makes or causes to be made any claim for payment, or presents or causes to be presented any claim for payment, supported by food stamps, knowing such claims to be false, fictitious, or fraudulent, or in violation of the regulations in this part, shall be subject to such fines and punishments as may be provided in the United States Criminal Code.

Construction

§1101.500 *Administrative interpretations.* The Administrator may issue interpretations of any of the regulations in this part, and such interpretations shall have the force and effect of the regulations in this part.

§ 1101.501 *Derogation of rights.* Nothing contained in the regulations in this part, or in any administrative interpretations thereof, shall be construed to be in derogation or modification of the right of the Secretary, the Administration, or the United States to exercise any jurisdiction or power granted by law.

These revised regulations governing the Food Stamp Plan shall supersede all regulations previously issued by me and shall become effective on April 21, 1942.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

APRIL 17, 1942.

[F. R. Doc. 42-3447; Filed, April 18, 1942; 10:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

PART 502—VESTING ORDERS

VESTING OF STOCK OF THE SCHERING CORPORATION (NEW JERSEY), OF SCHERING CORPORATION (NEW YORK), AND OF SHERKA CHEMICAL COMPANY, INC. (NEW YORK)

§ 502.4 *Vesting Order No. 4.* (a) I, Leo T. Crowley, Alien Property Custodian, acting under and by virtue of the authority vested in me by the President pursuant to section 5 (b) of the Act of October 6, 1917, as amended by section 301 of the First War Powers Act, 1941, finding upon investigation that the property set forth in the list attached hereto marked Exhibit "A" and made a part hereof, is the property of Nationals of a Foreign Country designated in Executive Order No. 8389, as amended,[1] as defined therein, and that the action herein taken is in the public interest, do hereby order and declare that such properties including all interest therein are hereby vested in the Alien Property Custodian to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

(b) Such property and any proceeds thereof shall be held in a special account pending further determination of the Alient Property Custodian. This shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return or compensation should be made.

(c) Any person not a national of a foreign country designated in Executive Order No. 8389, as amended, asserting any interest in said properties, or any party asserting any claim as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for hearing thereon, on Form No. APC-1 within one year of the date of this order, or within such further time as may be allowed by the Alien Property Custodian. (E.O. 9095, 7 F.R. 1971.)

This order shall be published in the FEDERAL REGISTER.

LEO T. CROWLEY,
Alien Property Custodian.

APRIL 18, 1942.

[1] 6 F.R. 2897, 3715, 6348, 6785.

EXHIBIT A—*The following shares of the stock of the Schering Corporation, a corporation organized under the laws of the State of New Jersey, Schering Corporation, a corporation organized under the laws of the State of New York, and Sherka Chemical Company, Inc., a corporation organized under the laws of the State of New York.*

SHARES OF THE STOCK OF SCHERING CORPORATION (NEW JERSEY)

Certificate number	Number of shares	Class of shares	Registered in the name of
C-15	9,994	Common	Gunther & Co., 15 Nassau St., New York, N. Y.
C-16 to C-45, inclusive.	30,000	Common	
C-46	4,000	Common	
P-10	2,225	Preferred	Gunther & Co., 15 Nassau St., New York, N. Y.

SHARES OF THE STOCK OF SCHERING CORPORATION (NEW YORK)

9	10	Common	Gunther & Co., 15 Nassau St., New York, N. Y.

SHARES OF THE STOCK OF SHERKA CHEMICAL COMPANY, INC.

4	100	Common	Gunther & Co., 15 Nassau St., New York, N. Y.

[F. R. Doc. 42-3479; Filed, April 20, 1942; 11:38 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS [1]

AGE OF CANDIDATES RESTRICTED

§ 73.54 *Eligibility for appointment.* (a) In order to be eligible for appointment from Group 3 a candidate must be at the time of appointment—

* * * * *

(2) Between the ages of 21 and 27 years. (41 Stat. 774 as amended by sec. 7, 53 Stat. 557; 10 U.S.C. 484) [Par. 3*a* (2), AR 605-7, Dec. 31, 1940, as amended by Cir. 110, W.D., April 14, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3461; Filed, April 20, 1942; 9:46 a. m.]

[1] § 73.54 (a) (2) is amended.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 53-3, Civil Air Regs.]

PART 53—MECHANIC SCHOOL RATING

MECHANIC SCHOOL CURRICULUM

Correction

In the last paragraph of F. R. Doc. 42-3358 appearing on page 2828 of the issue for Thursday, April 16, 1942, "6 hours" should read "8 hours."

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4699]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PARKER-THOMPSON COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of suits, overcoats, or any other merchandise, (1) selling, etc., any merchandise by means of any sales plan or method involving the use of a game of chance, gift enterprise, or lottery scheme; or (2) supplying, etc., others with any merchandise, together with a sales plan or method involving the use of a game of chance, gift enterprise or lottery scheme by which said merchandise is to be, or may be, sold to the purchasing public; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parker-Thompson Company, Docket 4699, April 13, 1942]

In the Matter of Albert Rose, an Individual Trading and Doing Business as Parker-Thompson Company.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Albert Rose, trading as Parker-Thompson Company, or under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of suits, overcoats, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise by means of any sales plan or method involving the use of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying or placing in the hands of others any merchandise, together with a sales plan or method involving the use of a game of chance, gift enterprise or lottery scheme by which said merchandise is to be, or may be, sold to the purchasing public.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3455; Filed, April 18, 1942; 11:27 a. m.]

[Docket No. 4709]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF J. D. FINE CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy, or other merchandise, (1) selling, etc., candy, or any other merchandise, so packed or assembled that sales of such candy or other merchandise to the general public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, J. D. Fine Candy Company, Docket 4709, April 13, 1942]

In the Matter of J. D. Fine, an Individual, Trading as J. D. Fine Candy Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission and the answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint, and states that he waives all intervening proceeding and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent J. D. Fine, individually and trading as J. D. Fine Candy Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy, or any other merchandise, so packed or assembled that sales of such candy or other merchandise to the general public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-3456; Filed, April 18, 1942; 11:27 a. m.]

[Docket No. 4524]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PENN-LUB OIL PRODUCTS CO.

§ 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (c 20) *Misbranding or mislabeling—Manufacture or preparation:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with offer, etc., in commerce, of oil or oil products, and among other things, as in order set forth, (1) using the term "Penn-Lub", or the word, "Pennsylvania", or any abbreviation or colorable simulation thereof, including an outline map or other symbol designating Pennsylvania, in or as a part of any trade name for, or to otherwise designate, describe, or refer to, any oil or oil product not composed wholly of oil from the Pennsylvania grade oil fields; (2) using the words "Penn-Lub" in or as a part of any corporate name under which oil or oil products containing oil not derived from the Pennsylvania grade oil fields are advertised, offered for sale, and sold; or using the word "Pennsylvania" or any abbreviation or colorable simulation thereof in or as a part of any such corporate name; and (3) representing in any manner that oil or oil products, or any proportion thereof, not derived from paraffin base crude oil, are so derived, or are paraffin oil or oil products; prohibited, subject to provision, however, as respects said first prohibition, that same shall not prevent the use of such words, terms, or symbols to describe or refer to the proportion of oil in any such product derived from Pennsylvania grade oil fields if there are used in immediate connection and conjunction therewith words and figures of at least equal size and conspicuousness truthfully designating the percentage of oil in such product actually derived from Pennsylvania grade oil fields. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Penn-Lub Products Co., Docket 4524, April 13, 1942]

§ 3.66 (e) *Misbranding or mislabeling—Old, secondhand, reclaimed or reconstructed as new:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Old, secondhand, reclaimed or reconstructed as new:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old, used or reclaimed as unused or new.* In connection with offer, etc., in commerce, of oil or oil products, and among other things, as in order set forth, advertising, invoicing, distributing, or marketing used oil which has been reclaimed, either with or without reprocessing or re-refining, without unequivocally disclosing in a clear, conspicuous, and legible manner in such invoices and advertising and upon the containers of such oil in a clear, conspicuous, and permanent manner that such product is, or has been, reclaimed from used oil; or representing in any manner, directly or indirectly, that used oil which has been reclaimed, with or without reprocessing or re-refining, is new or unused oil; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Penn-Lub Products Co., Docket 4524, April 13, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, in which substitute answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Penn-Lub Oil Products Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of oil or oil products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the term "Penn-Lub," or the word "Pennsylvania," or any abbreviation or colorable simulation thereof, including an outline map or other symbol designating Pennsylvania, in or as a part of any trade name for, or to otherwise designate, describe, or refer to, any oil or oil product not composed wholly of oil from the Pennsylvania grade oil fields: *Provided*, This shall not prevent the use of such words, terms, or symbols to describe or refer to the proportion of oil in any such product derived from Pennsylvania grade oil fields if there are used in immediate connection and conjunction therewith words and figures of at least equal size and conspicuousness truthfully designating the percentage of oil in such product actually derived from Pennsylvania grade oil fields;

(2) Using the words "Penn-Lub" in or as a part of any corporate name under which oil or oil products containing oil not derived from the Pennsylvania grade oil fields are advertised, offered for sale, and sold; or using the word "Pennsylvania" or any abbreviation or colorable simulation thereof in or as a part of any such corporate name;

(3) Representing in any manner that oil or oil products, or any proportion thereof, not derived from paraffin base crude oil, are so derived, or are paraffin oil or oil products;

(4) Advertising, invoicing, distributing, or marketing used oil which has been reclaimed, either with or without reprocessing or re-refining, without unequivocally disclosing in a clear, conspicuous, and legible manner in such invoices and advertising and upon the containers of such oil in a clear, conspicuous, and permanent manner that such product is, or has been, reclaimed from used oil; or representing in any manner, directly or indirectly, that used oil which has been

reclaimed, with or without reprocessing or re-refining, is new or unused oil.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-3457; Filed, April 18, 1942; 11:28 a. m.]

[Docket No. 3343]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HOUBIGANT, INC., ET AL.

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) *Using misleading name—Goods—Source or origin — Place — Domestic product as imported.* In connection with offer, etc., in commerce, of perfumes, colognes, and other toilet preparations, (1) representing through the use of the terms "Paris" or "Paris, France" or any other terms indicative of French or other foreign origin of such products, or in any manner, that perfumes, colognes, or other toilet preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country; and (2) using the terms "Houbigant," "Cheramy," or any other French or other foreign words or terms as brand or trade names for perfumes, colognes, or other toilet preparations made or compounded in the United States, without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States; prohibited, subject to provision, however, as respects former prohibition, that the country of origin of the various ingredients of such perfumes, colognes, or other toilet preparations, may be stated when immediately accompanied by a statement that such products are made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Houbigant, Inc., et al., Docket 3343, April 16, 1942]

In the Matter of Houbigant, Inc., a Corporation, Cheramy, Inc., a Corporation, and Houbigant Sales Corporation, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence taken before Edward E. Reardon, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiner upon the evidence, briefs in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Houbigant, Inc., a corporation, Cheramy, Inc., a corporation, Houbigant Sales Corporation, a corporation, and their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of perfumes, colognes, and other toilet preparations in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing through the use of the terms "Paris" or "Paris, France" or any other terms indicative of French or other foreign origin of such products, or in any manner, that perfumes, colognes, or other toilet preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country: *Provided, however,* That the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such products are made or compounded in the United States;

(2) Using the terms "Houbigant," "Cheramy," or any other French or other foreign words or terms as brand or trade names for perfumes, colognes, or other toilet preparations made or compounded in the United States, without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-3478; Filed, April 20, 1942; 11:12 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[Amendment 3 to Administrative Reg. No. 8]

PART 802—RULES OF PROCEDURE

Section 802.8[1] is amended to read as follows:

§ 802.8 *Report of mediators to the Board.* If the mediator or mediators are unable to settle any dispute by agreement or voluntary arbitration, a report shall be made to the Board setting forth findings of facts and recommendations for settlement of the dispute. Such report shall be transmitted to the Executive Secretary, who shall thereupon transmit a copy of it to the authorized representatives of each of the parties to the dispute. The parties shall be afforded one week after the receipt of the report within which to submit to the Board in writing any comments upon it which they desire to make, provided that additional time for the submission of such comments may be granted in the discretion of the Chairman of the Board or of his appointee upon good cause shown. Such written comments shall be filed with the Executive Secretary in quadruplicate. The Executive Secretary shall place the case upon the Board agenda for consideration not less than forty-eight hours after expiration of the period for the submission of such written comments. (E.O. 9017, 7 F.R. 237).

GEORGE KIRSTEIN, *Executive Secretary.*

APRIL 15, 1942.

[F. R. Doc. 42-3440; Filed, April 17, 1942; 12:24 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-90]

PARTS 327 AND 328—MINIMUM PRICE SCHEDULE, DISTRICTS NOS. 7 AND 8

MEMORANDUM OPINION AND ORDER OVERRULING EXCEPTIONS TO THE EXAMINER'S REPORT AND GRANTING RELIEF IN PART IN THE MATTER OF THE PETITION OF THE NEW RIVER COMPANY FOR REVISION OF SIZE GROUPS ESTABLISHED IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7 FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR ITS MINES, MINE INDEX NOS. 45, 77, 105, 113, 132, 135, 154, 167, 170, 179, 180 AND 202, DISTRICT NO. 7, IN SIZE GROUPS 3, 4, 6, 7, 8, AND 9

This proceeding was instituted upon original petition filed with the Bituminous Coal Division by the New River Company

[1] 7 F.R. 600.

("New River") a code member in District 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking the following temporary and final relief:

1. The establishment of a new size group for the low-volatile all-rail coals of District 7, to be numbered 6–A, designated "Modified Run-of-Mine" and defined as run of mine containing at least the following percentages of screenings which will pass through a ¾" round-hole screen:

Classification Applicable to Size Group 6–A	A	B	C	D	E
Minimum Percentage of ¾" x 0..	40	35	40	40	40

Also the establishment of effective minimum prices for coals in this size group 20 cents lower than those applicable to the present Size Group 6, with the same seasonal discounts as those in effect for said Size Group 6 coals.

2. The elimination of the 10 cents differential between the effective minimum price for Size Group 8 (1¼" x 0) and Size Group 9 (¾" x 0) low volatile coals produced at each of petitioner's mines on shipments via tidewater to C. H. Sprague & Son Company, Boston, Massachusetts ("Sprague"), by permitting the substitution of Size Group 8 for Size Group 9 coals on such shipments; and

3. The revision of the size groups and minimum prices effective for the low-volatile coals of District 7 for railway fuel use for on-line railroads, by the substitution for the size group now established as "Stove-3" x ¾" or smaller" and priced at $2.60, of a size group to be described as "All lump or double-screened coal" and priced at $2.50.

Petitions of intervention were filed severally by District Boards 1, 3, and 7, and Carter Coal Company ("Carter"), a code member producer in District 7, and jointly by Pocahontas Fuel Company, Incorporated, The Pocahontas Corporation, and Pulaski Iron Company, producers in District 7 ("Pocahontas, et al."). Consumers' Counsel Division filed a notice of appearance. In their respective intervening petitions, Pocahontas et al. opposed the granting of relief on any of New River's prayers; District Board 3 and Carter opposed the first and second prayers; District Board 7 opposed the first prayer, intervened generally as to the second prayer in order to protect the interest of code members, and supported the third prayer; and District Board 1 intervened generally.

Following an informal conference, the Director by Order of October 21, 1940, 5 F.R. 4191, granted limited temporary relief on New River's prayers as follows:

(1) By adding to the description of Key Size No. 40 in the Schedules of Effective Minimum Prices for District No. 7 and 8 for All Shipments Except Truck (constituting the coals included in low volatile Size Group 6), a paragraph including therein straight run of mine which, as shipped in low-volatile price classifications A, C, D, and E shall contain at least 40 per cent of screenings which shall pass through a ¾" round-hole screen, and in classification B shall contain at least 25 per cent of such screenings;

(2) By granting to New River leave to sell to C. H. Sprague & Son Company, of Boston, Massachusetts, for resale to and for the use only of Edison Electric Illuminating Company (Boston Edison Company) there, 1¼" x 0 (Size Group 8) coals produced at each of its several mines at the respective effective minimum prices for the ¾" x 0 (Size Group 9) coals, provided that the proportion of 1¼" x 0 as shipped should not exceed the proportion shipped during the year immediately prior to the effective date of minimum prices, and that certain pertinent tonnage reports be filed as provided therein; and

(3) By granting the third prayer, and amending the size groups and effective minimum prices established for the low-volatile coals of Districts 7 and 8 for railway fuel use for on-line railways by substiuting for "Stove, 3" x ¾" or smaller, $2.60," the description and price: "All lump or double-screened coals, $2.50."

District Board 1, petitioned the Division to either rescind that portion of the temporary relief order allowing shipments to Sprague at reduced price, or to grant to code members in District 1 similar privileges for shipment to Edison. The petition is disposed of herein.

Pursuant to order, and after due notice to interested persons, a hearing was held before D. C. McCurtain, a duly designated Examiner of the Division, in a hearing room of the Division in Washington, D. C. The hearing was continued from time to time and lasted seven days. All persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered for New River, Consumers' Counsel, the various interveners, White Oak Coal Company (sales agent for New River), Sprague, Peale, Peacock & Kerr Incorporated, and District Board 8. Following the hearing, briefs were filed by New River, Carter, Pocahontas, et al., Consumers' Counsel,[1] and District Boards 1 and 7.

[1] The brief of Consumers' Counsel was filed late, together with a motion for its acceptance. The brief has been considered by the Examiner and the undersigned.

In his Report, Proposed Findings of Fact and Conclusions of Law, filed November 10, 1941, the Examiner recommended as final disposition of New River's respective requests:

(1) That the temporary relief granted by amending Key Size No. 40 be made final except as to the minimum percentage of ¾" x 0 screenings in B classification coals as to which he recommended no bottom limit, and that the requested price reduction be denied;[2]

(2) That the relief requested in the nature of a lower price on 1¼" x 0 coal to Sprague for use by Boston Edison Co. be denied; and

(3) That final relief regarding size and effective minimum price for on-line railroad locomotive fuel be granted as prayed, and as provided in the order herein for temporary relief.

District Board 7, Pocahontas, et. al., and Carter have filed memoranda in support of the Examiner's findings; Consumers' Counsel and New River have filed exceptions, the latter also requesting oral argument.[3]

The exceptions of Consumers' Counsel, and certain of the exceptions of New River are taken to the Examiner's failure to find that a 20-cent differential between the two classes of modified mine run coal placed in Key Size No. 40 by the temporary relief order and the Examiner's report should be granted. Consumer's Counsel contends that a difference in the quantity of fines in the two classes of mine run gives rise to a difference in value to the consumer, who is entitled to a corresponding difference in price. It is argued that no substantial evidence was adduced to show that the proposed 20-cent differential is unreasonable, or to prove any other differential, and that no adverse effect of minimum prices upon New River's sales need be shown. New River's exceptions in general cover the Examiner's specific adverse findings, which it is contended are not supported by the record and result in a violation of the standards of sections 4 II (a) and (b) of the Act.

The Examiner recognized that there was testimony tending to show a differ-

[2] The proposed finding, as distinguished from the recommendation, is that the temporary relief order (which provides for a minimum of 25% of ¾" x 0) be made final. Consumers' Counsel has noted the discrepancy, one apparently due to oversight. There should be no qualification in amount of screenings in B. coals, because under Size Group 6 as originally described all ¾" x 0 screenings can be removed therefrom. This is because of the great friability of B coals which distinguishes them from A coals on a quality basis.

[3] I see no need for oral argument and, therefore, the request for oral argument is denied.

ence in value between petitioners mine run coal and that of certain more coarsely prepared coals. On the other hand, he noted testimony showing that other District 7 operators, producing the coarser coals, also had lost domestic mine run tonnage due at least in part to installation of household stokers using high-volatile coals, that mixing of coals was not practiced to an extent to be a significant factor in market prices, that New River's coals had consistently competed at the same price with coarser coals, and opinion testimony that the two sizes were of equal market value. He observed that the failure to make sales in the very brief period from the effective date of minimum prices to the date of hearing was not indicative, due to unusually heavy stocking immediately prior thereto.

There must necessarily be some small variation of absolute value of coals within any price classification or size group. Upon this record I am unable to conclude that there exists more than such small variation in the recommended Size Group 6. This is particularly true because, while the application is for a general change in size group and price not confined to New River, it was not supported by other producers, or the District Board, and testimony covered only New River's coal. The record appears to support the Examiner's findings; New River has pointed out no specific respect in which it does not. It may well be, however, under a system of regulated prices with consequent closer attention by the purchaser to intrinsic values, that Size Group 6 coal such as produced by New River will prove unable to compete with the coarser coals in that size group at the same price. Experience under the Act may have provided petitioner and others with additional information unavailable at the hearing. Denial of relief will be without prejudice to a new proceeding should such prove to be the case.

New River excepts to the findings relating to the Examiner's recommended denial of relief for shipments to Sprague for resale to the Boston Edison Company. Its first, fourth, fifth, and sixth exceptions thereto are based upon its concept of the problem as one concerning preservation of its previous method of doing business with one long established customer, and the maintaining of a value relationship tailored to that customer's needs. The finding of the Examiner, which is amply supported by the record, is that although to this customer no differential has been maintained in the past between 1¼" x 0 and ¾" x 0 (⅝" x 0) coals, and so far as the customer is concerned a larger size gives coal no recognized added value, to it, a differential based upon size has been maintained by other shippers to other consumers in that area.[4] For at least some consumers, the differential in value exists. The price schedules recognize this value differential in the coordination of District 7 coals into Market Area 1, and, as indicated by the excepted-to quotations from the Examiner's and Director's findings in General Docket No. 15, in the coordination with District 1 coals also. Granting of relief in this instance would, as stated by the Examiner, involve and threaten the coordination in this area and the price differential to other consumers. For the reasons stated by him, such a permanent right of substitution, amounting to a special price to one customer, should be denied.[5]

In its second exception, New River objects, in so far as the issues involved under this item are concerned, to the proposed finding that the B.t.u. content of its 1¼" x 0 coals is substantially superior to that of its ¾" x 0 (⅝" x 0) coals. Exhibit 6 and the Examiner's discussion thereon amply support his proposed finding; contrary conclusions of a witness were not supported by the evidence. As heretofore noted, any possible lack of recognized superiority for use by one customer is not controlling.

In its third exception, New River objects to the proposed finding that equipment enabling it to supply its customers with ¼" x 0 coal could have been installed in several months from the effective date of minimum prices, the costs of which would be met by increased realization. The proposed finding is based upon the testimony of New River's engineer witness regarding installation of crushers. Other testimony indicates many producers in District 7 have improved their tipples so as to produce this size. New River has had the same opportunity; the fact that in its business judgment the procedure may not be desirable is not a basis for a price exception.

Under its seventh exception, New River concludes that the Examiner gave undue weight and consideration to inter-company relationship between producer, sales agent, distributor and consumer, and the large quantity of coal involved. A careful examination of the record discloses that the exception is without merit. Although the testimony on the subject is treated fully, the finding is not based thereon, and absence of any prejudice therefrom is apparent, as illustrated by the Examiner's statement that there is no record of "getting the business at any price."

New River's exceptions to the denial of relief as a matter of law turn upon the facts found, and are disposed of above.

Denial of relief requires termination of temporary relief under which New River has operated for a long period, and which should run for an additional period of 30 days, which should be ample to facilitate adjustment by it in accordance with this order. Thus the petition of District Board 1 is granted by the withdrawal of temporary relief heretofore given New River.

No exceptions were filed to the portion of the Report pertaining to railway fuel prices and it is affirmed.

The Examiner's Report generally is supported by the evidence, and the exceptions are without merit. Such modifications of the District 7 schedules as are made must also be made applicable to the low-volatile coals of District 8, in order to maintain coordination.

Now, therefore, it is ordered, That the exceptions filed herein are overruled, oral argument thereon denied, and the Proposed Findings of Fact and Conclusions of Law of the Examiner, as modified by this Opinion, are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That, effective fifteen days from the date hereof, § 327.3 (*Description of sizes by key size number*), § 328.3 (*Description of sizes by key size number*), § 327.13 (*Special prices for low volatile coals*—(a) *Railway fuel*—(1) *For on-line railways*) and § 328.23 (*Special prices for low volatile coal*—(a) *Railway fuel*—(1) *for on-line railways, all uses*) in the Schedules of Effective Minimum Prices for Districts Nos. 7 and 8 for All Shipments Except Truck be and they hereby are amended as follows:

(a) By revising the description of Key Size No. 40 in the tables of descriptions of sizes by key size numbers by the addition thereto of the following paragraphs:

§ 327.3 *Description of sizes by key size numbers,* and, § 328.3, *Description of sizes by key size numbers.*

Or in the alternative straight run of mine which as shipped shall contain at least the following percentages of screenings which shall pass through a ¾" round hole screen, applicable to the following low volatile price classifications:

Classification Applicable to Size Group 6	A	B	C	D	E
Minimum Percentage of ¾" x 0	40%	[1]	40%	40%	40%

[1] No minimum.

(b) By substituting for the size group and effective minimum price established for the low-volatile coals of Districts Nos. 7 and 8, for railway fuel for on-line rail-

[4] From the testimony, it appears probable that a substantial bulk of the tonnage moves to consumers who do not value 1¼" x 0 coal above ¼" x 0. In fact, District Board 7, by a divided vote, favored seeking of the establishment of one size group to cover all screenings now in Size Groups 8, 9, and 10, provided coordination could be obtained with competing coals. No such petition has been filed.

[5] Cf. Examiner's Report in Docket No. A-367, et al.

ways, all uses, heretofore described as "Stove-3" x ¾" or smaller * * * $2.60" the following:

§ 327.13 *Special prices for low volatile coals*—(a) *Railway fuel*—(1) *For on-line railways, all uses,* and, § 328.23 *Special prices for low volatile coals*—(a) *Railway fuel*—(b) *For on-line railways, all uses.*

"All lump or double screened coal . . . . $2.50."

It is further ordered, That in all other respects the prayers of the original and intervening petitions be and the same hereby are denied, denial of relief to The New River Company upon its Size Group 6 coals being expressly without prejudice to its instituting further proceedings in accordance with the foregoing opinion.

It is further ordered, That the petition of District Board 1 to rescind certain temporary relief herein is granted, and that effective thirty days from the date hereof the temporary relief heretofore granted for sale of 1¼" x 0 coals to C. H. Sprague & Son Company at the effective minimum price for ¾" x 0 coals be and the same hereby is terminated.

Dated: April 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3422; Filed, April 17, 1942; 10:36 a. m.]

[Docket No. A-290]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR A RECLASSIFICATION IN SIZE GROUPS 18–22 OF COALS OF THE CENTRAL ELKHORN COAL COMPANY AND RECEIVERS OF THE ELKHORN COAL CORPORATION

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8, requesting as amended, a reclassification of the Size Group 22 coals produced by the Receivers of The Elk Horn Coal Corporation at its Mine No. 27 (Mine Index No. 195) from H to K and at its Mine No. 28–32 (Mine Index No. 196) from H to P and also requesting a reclassification of the coals of these mines in Size Groups 18–21 from D to F;

By Order dated November 19, 1940, a request for temporary relief having been denied;

Petitions of intervention having been filed by District Boards 7 and 10, Pocahontas Fuel Company, Incorporated, et al.;[1] code member producers in District 7, Elkhorn Coal Company, a code member producer in District 8, Old Ben Coal Corporation, as sales agent for Elkhorn Coal Company and Franklin County Coal Corporation, et al.,[2] code member producers in the Southern Illinois Subdistrict of District 10;

A hearing in this matter having been held, pursuant to Order of the Director, before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the record in the proceeding having thereupon been submitted to the undersigned;

Subsequent to the hearing, temporary relief having been granted with respect to the Size Group 22 coals;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended by changing the classification of the Size Group 22 coals of The Elk Horn Coal Corporation's Mine No. 27 (Mine Index No. 195) from H to K and of its Mine No 28-32 (Mine Index No. 196) from H to P for shipments to all destinations in all market areas and revising the effective minimum prices accordingly.

It is further ordered, That the prayers for relief herein, except as granted above, be and they hereby are in all other respects denied.

Dated: April 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3425; Filed, April 17, 1942; 10:38 a. m.]

[Docket No. A-1361]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

Price classifications and minimum prices for all shipments except truck are established herein for the Burton Ford Mine (Mine Index No. 2870) of Burton Ford Coal Company (J. E. Staunton), instead of Burton Ford Coal Company (N. A. Jobe), as proposed in the original petition for the reason that records of the Division indicate that Burton Ford Coal Company (J. E. Staunton) is the present owner of this mine.

No price classifications or minimum prices are established herein for the coals of the Rucker Mine (Mine Index No. 1168) of Hubert Bays, for truck shipment, for the reason that such relief has already been granted this mine in General Docket No. 15.

No relief is granted herein as to the coals of the Melva Nos. 4 and 5 Mines of the Melva Coal Company (G. R. Martin) for the reason that records of the Division indicate that a proper code acceptance has not been received from this producer.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: April 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] Pocahontas Fuel Company, Incorporated, The Pocahontas Corporation, and Pulaski Iron Company.

[2] Franklin County Coal Corporation, Old Ben Coal Corporation, Bell & Zoller Coal & Mining Company, Chicago, Wilmington & Franklin Coal Company, Peabody Coal Company, and Wasson Coal Company.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
5403	Adams, William	William Adams No. 2.	Whitesburg	3	Whitesburg, Ky.	L&N	100	M	M	K	J	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5428	Alsip, Bill	Alsip	Blue Gem	6	Woodbine, Ky.	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)
771	Anderson, W. M. & Henry Creekmore (W. M. Anderson).	Anderson & Creekmore.	Blue Gem	6	Newcomb, Tenn.[1]	Sou.	112	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
3215	Blue Flame Coal Co. (Delbert C. Vaughn).	Blue Flame	Horse Creek	6	London, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5366	Bowlin, Joe	Bowlin Blue Gem	Blue Gem	6	Jellico, Tenn.	L&N and Sou.	113	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)
2870	Burtons Ford Coal Co. (J. E. Stanton).	Burtons Ford	Tiller	7	St. Paul, Va.	N&W and CC&O.	250	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
1895	Cameron Coal Mining Company (J. L. Cameron).	Cameron	Coal Creek	6	Briceville, Tenn.	Sou.	40	O	O	H	G	G	E	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)
2099	Carson, J. M	Johnson & Acres	Paint Rock	6	Stanley Jct., Tenn.	Tenn.	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)
5377	Culbertson, W. T	Pond Branch	Elswick	1	Elkhorn City, Ky.	C&O and CC&O.	63	P	P	N	M	J	G	J	F	G	N	(†)	(†)	(†)	(†)	(†)	(†)
5386	Daniels, Leva	Red Creek	Elkhorn No. 2	1	Shelby, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
5389	Hensley, Shelby	Marcedia	Straight Creek	6	Pineville, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A
3483	Henson, George	Henson	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
897	Jackson, A. E.	Jackson	No. 5	2	Maness, Va.	L&N and Sou.	204	E	E	E	D	D	C	C	B	C	G	(†)	(†)	(†)	(†)	(†)	B
2002	Jackson, C. A. (Jackson Coal Co.).	Jackson Coal Co.	Bon Air No. 2	6	Crossville, Tenn.	T. C.	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
5400	Johnson, F. M. (Famous Elkhorn Coal Company).	Newsom	Elkhorn	1	Robinson Creek, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
5399	Justice, Hut	Kendrick No. 2	Elkhorn No. 3	1	Pikeville, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
5397	Lee, Charlie	Lee No. 2	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
5409	Miller, Harvey	Miller #2	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
5365	Noe & Smith (Clyde Noe)	Noe & Smith	River Gem	6	Pleasant View, Ky.	L&N	111	K	K	H	G	E	C	E	D	D	M	(†)	(†)	(†)	(†)	(†)	(†)
5415	Polson, H. D	Roslin	Bon Air No. 2	6	Wilder, Tenn.	T. C.	210	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
5393	Risner, Carl	Dotson	No. 7	1	Ivyton, Ky.	C&O	61	M	M	M	L	J	G	J	F	D	L	(†)	(†)	(†)	(†)	(†)	(†)
5206	Risner, Carl	Howard	No. 7	1	Ivyton, Ky.	C&O	61	M	M	M	L	J	G	J	F	D	L	(†)	(†)	(†)	(†)	(†)	(†)
5394	Rose, G. W	G. W. Rose C. Co. No. 2.	Widow Kennedy.	7	Virginia City, Va.	N&W	30	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
1826	Saxton Coal Corporation	No. 1	River Gem	6	Jellico, Tenn.[2]	L&N and Sou.	113	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	----	----	----	----	----	----
5426	Sears, Charles	Chas. Sears Blue Gem.	Blue Gem	6	Yaden, Ky.	L&N	111	A	A	A	A	A	A	C	A	A	K	----	----	----	----	----	----
5396	Stewart, D. M	Regina	Lower Elkhorn.	1	Marrowbone, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	----	----	----	----	----	C
3239	Taylor, John H. & Sons (John H. Taylor).	Taylor	Coal Creek	6	Harriman, Tenn.	Sou.	40	O	O	H	G	G	E	G	E	C	K	----	----	----	----	----	----
5414	Walters, J. F.	Walters #2	River Gem	6	Williamsburg, Ky.	L&N	111	K	K	H	G	E	C	E	D	D	M	----	----	----	----	----	----
1885	Walker, L. E.	Walker Blue Gem	Blue Gem	6	Saxton, Ky.	L&N	111	A	A	A	A	A	A	C	A	A	K	----	----	----	----	----	----
5405	Williams, James	Williams No. 2	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	----	----	----	----	----	----
5443	Wooton, A. J	Wooton	No. 7	1	Ivyton, Ky.	C&O	61	M	M	M	L	J	G	J	F	D	L	----	----	----	----	----	----

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5403	Adams, William	William Adams No. 2.	Whitesburg	3	Whitesburg, Ky.	L&N	100	M	L	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5428	Alsip, Bill	Alsip	Blue Gem	6	Woodbine, Ky.	L&N	111	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
771	Anderson, W. M. & Henry Creekmore (W. M. Anderson).	Anderson & Creekmore.	Blue Gem	6	Newcomb, Tenn.[1]	Sou.	112	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
3215	Blue Flame Coal Co. (Delbert C. Vaughn).	Blue Flame	Horse Creek	6	London, Ky.	L&N	111	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5366	Bowlin, Joe	Bowlin Blue Gem	Blue Gem	6	Jellico, Tenn.	L&N and Sou.	113	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
2870	Burtons Ford Coal Co. (J. E. Stanton).	Burtons Ford	Tiller	7	St. Paul, Va.	N&W and CC&O.	250	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
1895	Cameron Coal Mining Company (J. L. Cameron).	Cameron	Coal Creek	6	Briceville, Tenn.	Sou.	40	O	M	K	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
2099	Carson, J. M	Johnson & Acres	Paint Rock	6	Stanley Jct., Tenn.	Tenn.	71	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
5377	Culbertson, W. T	Pond Branch	Elswick	1	Elkhorn City, Ky.	C&O and CC&O.	63	P	O	M	H	F	F	J	P	N	(†)	(†)	(†)	(†)	(†)
5386	Daniels, Leva	Red Creek	Elkhorn No. 2	1	Shelby, Ky.	C&O	61	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5389	Hensley, Shelby	Marcedia	Straight Creek	6	Pineville, Ky.	L&N	111	F	F	E	C	B	B	A	J	H	(†)	(†)	(†)	(†)	A
3483	Henson, George	Henson	Jellico	6	Woodbine, Ky.	L&N	111	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
897	Jackson, A. E.	Jackson	No. 5	2	Maness, Va.	L&N and Sou.	204	E	E	E	D	C	C	H	G	(†)	(†)	(†)	(†)	(†)	B
2002	Jackson, C. A. (Jackson Coal Co.).	Jackson Coal Co.	Bon Air No. 2	6	Crossville, Tenn.	T. C.	72	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5400	Johnson, F. M. (Famous Elkhorn Coal Company).	Newsom	Elkhorn	1	Robinson Creek, Ky.	C&O	61	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5399	Justice, Hut	Kendrick No. 2	Elkhorn No. 3	1	Pikeville, Ky.	C&O	61	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5397	Lee, Charlie	Lee No. 2	Jellico	6	Woodbine, Ky.	L&N	111	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5409	Miller, Harvey	Miller #2	Jellico	6	Woodbine, Ky.	L&N	111	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5365	Noe & Smith (Clyde Noe)	Noe & Smith	River Gem	6	Pleasant View, Ky.	L&N	111	K	K	H	E	B	C	E	M	M	(†)	(†)	(†)	(†)	(†)
5415	Polson, H. D	Roslin	Bon Air No. 2	6	Wilder, Tenn.	T. C.	210	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5393	Risner, Carl	Dotson	No. 7	1	Ivyton, Ky.	C&O	61	M	M	M	H	G	G	J	N	L	(†)	(†)	(†)	(†)	(†)
5206	Risner, Carl	Howard	No. 7	1	Ivyton, Ky.	C&O	61	M	M	M	H	G	G	J	N	L	(†)	(†)	(†)	(†)	(†)
5394	Rose, G. W	G. W. Rose C. Co. No. 2.	Widow Kennedy.	7	Virginia City, Va.	N&W	30	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
1826	Saxton Coal Corporation	No. 1	River Gem	6	Jellico, Tenn.[2]	L&N and Sou.	113	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	----	----	----	----	----
5426	Sears, Charles	Chas. Sears Blue Gem.	Blue Gem	6	Yaden, Ky.	L&N	111	A	A	A	A	A	A	C	D	K	----	----	----	----	----
5396	Stewart, D. M	Regina	Lower Elkhorn.	1	Marrowbone, Ky.	C&O	61	K	K	H	D	B	B	C	K	G	----	----	----	----	C
3239	Taylor, John H. & Sons (John H. Taylor).	Taylor	Coal Creek	6	Harriman, Tenn.	Sou.	40	O	M	L	F	D	B	F	G	K	----	----	----	----	----
5414	Walters, J. F.	Walters #2	River Gem	6	Williamsburg, Ky.	L&N	111	K	K	H	E	B	C	E	M	M	----	----	----	----	----
1885	Walker, L. E.	Walker Blue Gem	Blue Gem	6	Saxton, Ky.	L&N	111	A	A	A	A	A	A	C	D	K	----	----	----	----	----
5405	Williams, James	Williams No. 2	Jellico	6	Woodbine, Ky.	L&N	111	O	M	J	F	D	D	G	M	K	----	----	----	----	----
5443	Wooton, A. J	Wooton	No. 7	1	Ivyton, Ky.	C&O	61	M	M	M	H	G	G	J	N	L	----	----	----	----	----

[1] Denotes new shipping point. Shipping Point at Wooldridge, Tenn., on the Southern Railroad shall no longer be applicable.

[2] Denotes new shipping point, railroad and Freight Origin Group. Shipping Point at Saxton, Ky., on the L&N Railroad in Freight Origin Group No. 111 shall no longer be applicable.

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size for groups all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
5413	Bowen, H. A.	Bowen Coal Co.	9	Cary	Red Ash, Va.	N&W	21	C	C	D	D	D	C	C	H	H	H

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2" egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 5"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under; slack	¾" and under; slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—BIG SANDY-ELKHORN											
CARTER COUNTY, KY.											
Bishop, Virgil	Bishop	5387	No. 7	265	245	210	220	205	200	150	145
GREENUP COUNTY, KY.											
Duty, Walter	Duty	5385	Clod	265	245	210	220	205	200	150	145
Nichols, George	Nichols Underwood.	5448	Clod	265	245	210	220	205	200	150	145
Woods, Edward	Willie Kirk	5395	Clod	265	245	210	220	205	200	150	145
LETCHER COUNTY, KY.											
Bentley, Dave	Dave Bentley #2	5402	Elkhorn	275	255	220	220	205	210	160	155
Parsons, J. F.		5408	"A"	275	255	220	220	205	210	160	155
MAGOFFIN COUNTY, KY.											
Risner, Carl	Dotson	5393	No. 7	265	245	210	220	205	200	150	145
Wooton, A. J.	Wooton	5443	No. 7	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Culbertson, W. T.	Pond Branch	5377	Elswick	250	230	205	205	195	195	140	135
Daniels, Leva	Red Creek	5386	Elkhorn No. 2	275	255	220	230	215	210	170	165
Johnson, F. M. (Famous Elkhorn Coal Company).	Newsom	5400	Elkhorn	275	255	220	230	215	210	170	165
Justice, Hut	Kendrick No. 2	5399	Elkhorn No. 3	275	255	220	230	215	210	170	165
Stewart, D. M.	Regina	5396	Lower Elkhorn	275	255	220	230	215	210	170	165
SUBDISTRICT No. 3—HAZARD											
LETCHER COUNTY, KY.											
Adams, William	William Adams No. 2.	5403	Whitesburg	265	245	220	220	205	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2" egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 5"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under; slack	¾" and under; slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 4—KANAWHA											
BOONE COUNTY, W. VA.											
Ferrell, Coy	Ferrell No. 2	5401	Alma	245	225	220	215	195	210	155	150
MASON COUNTY, W. VA.											
Henry Coal Co.	Henry No. 2	5407	Pittsburgh No. 8	270	260	205	235	180	195	155	150
SUBDISTRICT No. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Hensley, Shelby	Marcedia	5389	Straight Creek	295	275	225	245	215	215	165	160
JACKSON COUNTY, KY.											
Moore Coal Company c/o Geo. W. Moore, Sr.	Moore No. 1	5412		265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Lee, Charlie	Lee No. 2	5397	Jellico	255	235	225	225	205	215	155	150
Miller, Harvey	Miller #2	5409	Jellico	255	235	225	225	205	215	155	150
Williams, James	Williams No. 2	5405	Jellico	255	235	225	225	205	215	155	150
WHITLEY COUNTY, KY.											
Alsip, Bill	Alsip	5428	Blue Gem	335	315	235	260	225	225	145	140
Bowlin, Joe	Bowlin Blue Gem	5366	Blue Gem	335	315	235	260	225	225	145	140
Jordon, W. M.	Jas. Williams	5457	River Gem	275	255	220	230	215	210	145	140
Noe & Smith (Clyde Noe)	Noe & Smith	5365	River Gem	275	255	220	230	215	210	145	140
Sears, Charles	Chas. Sears Blue Gem.	5426	Blue Gem	335	315	235	260	225	225	145	140
Walters, J. F.	Walters #2	5414	River Gem	275	255	220	230	215	210	145	140
CAMPBELL COUNTY, TENN.											
Reeves, Sam E.	Sam E. Reeves	5392	Jellico	300	280	225	250	215	215	170	165
Reynolds, Daniel B.	Big Four	5376	Jordan	295	275	210	245	215	200	145	140
FENTRESS COUNTY, TENN.											
Polson, H. D.	Roslin	5415	Bon Air No. 2	250	230	205	210	185	195	135	130
PICKETT COUNTY, TENN.											
Powell Bros. & Co., Inc. c/o Leonard Bernard.	Powell Bros. No. 2.	5456	No. 3	250	230	205	210	185	195	135	130
ROANE COUNTY, TENN.											
Sartin & Sartin (George Sartin).	Sartin's	5442	Nelson	255	235	225	230	205	215	145	140
SUBDISTRICT No. 7—VIRGINIA											
WISE COUNTY, VA.											
Rose, G. W.	G.W. Rose C. Co. No. 2.	5394	Widow Kennedy	275	255	220	240	225	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 3"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under; slack	¾" and under; slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 8—WILLIAMSON											
PIKE COUNTY, KY.											
Reed, Dow	Reed #1	5375	Pond Creek Rider	245	225	225	210	200	215	160	155
MINGO COUNTY, W. VA.											
Wellman, Hugh	Freeport	5322	Chilton	245	225	205	210	185	195	145	14
WAYNE COUNTY, W. VA.											
Napier, William	Napier No. 1	5439		245	225	205	210	185	195	145	140

FOR TRUCK SHIPMENTS

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump	Egg: Larger than 3" top	Stove: 3" top size	Nut or pea: 1¼" top or less	Screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
BUCHANAN COUNTY, VA.											
Bowen, H. A	Bowen Coal Co	5413	Cary	305	305	290	230	270	205	155	150

[F. R. Doc. 42–3424; Filed, April 17, 1942; 10:37 a. m.]

[Docket No. A–743]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND PROVIDING FOR CONDITIONALLY FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE REVISION OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK TO PROVIDE FOR THE ABSORPTION OF THE E. S. & N. RAILROAD SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STERNBERG COAL CORPORATION'S STAR HILL MINE NO. 1 (MINE INDEX NO. 80)

This is a proceeding instituted upon a petition, as amended, filed by District Board No. 11, pursuant to the provision of section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be revised to provide for the absorption of the switching charges made by the Evansville, Suburban and Newburg Railroad on shipments originating at the Star Hill No. 1 Mine, Mine Index No. 80, operated by the Sternberg Coal Corporation, a code member in District 11. Pursuant to Orders of the Director and after due notice to all interested persons, a hearing in this matter was held at the conclusion of which the parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the Acting Director.

On July 25, 1941, 6 F.R. 3750, the Acting Director made Findings of Fact, Conclusions of Law and rendered an Opinion in this matter, concluding that the relief prayed for should be granted and on the same date entered a final Order granting the relief prayed for and permitting the Star Hill No. 1 Mine to absorb switching charges accruing to the E. S. & N. Railroad in the sum of $8.80 per car.

On April 6, 1942, District Board No. 11 filed herein its petition for a modification of the final Order so as to permit the freight absorption in the sum of $9.33 per car instead of $8.80 per car, which petition will be treated as a motion for temporary relief. The petition recites that, following the issuance of the Order in this matter under date of July 25, 1941, the Interstate Commerce Commission, in a proceeding designated as Ex-parte 148, authorized a general increase in freight rates and switching charges. In accordance with such authority, the E. S. & N. Railroad switching charge of $8.80 per car, applicable on shipments originating at the Star Hill No. 1 Mine, has been increased from $8.80 per car to $9.33 per car, effective March 18, 1942.

A satisfactory showing, therefore, appears for granting temporary relief increasing the amount of freight absorptions provided for in the final Order herein from $8.80 to $9.33 per car. It further appears that, unless such temporary relief should be granted, the Sternberg Coal Corporation, operating Star Hill No. 1 Mine, is in imminent danger of loss of business; the reasons for which being the same as those which justified granting permanent relief in the first instance.

The following action being deemed necessary in order to effectuate the purposes of the Act,

It is ordered, That, pending final disposition of the petition of District Board No. 11, temporary relief is granted as follows: Commencing forthwith, § 331.1 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck is amended by adding thereto the price exception as set forth in the final Order entered herein dated July 25, 1941, and such Order is hereby amended by increasing the amount of freight absorption thereby authorized from $8.80 to $9.33 per car.

It is further ordered, That pleadings in opposition to the petition of District Board No. 11 for an increase in the amount of freight absorption and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: April 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–3421; Filed, April 17, 1942; 10:36 a. m.]

[Docket No. A-1266]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

FINDINGS OF FACT, CONCLUSIONS OF LAW MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE E. S. & N. RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STAR HILL NO. 2 MINE (MINE INDEX NO. 81) OF THE BOONVILLE COAL SALES CORPORATION, A CODE MEMBER IN DISTRICT 11

This is a proceeding instituted upon a petition, as amended, filed with the Bituminous Coal Division by District Board No. 11, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be amended so as to provide for the absorption of the switching charge made by the Evansville Suburban and Newburgh Railroad ("ES&N") on shipments of coal originating at the Star Hill No. 2 Mine, Mine Index No. 81, operated by the Boonville Coal Sales Corporation, a code member in District 11.

The petition, as amended, requested temporary relief. Pursuant to § 301.106 of the Rules and Regulations Governing Procedure in 4 II (d) cases, and after due notice to all interested persons, an informal conference was held for the purpose of determining whether or not temporary relief should be granted. On February 18, 1942, 7 F.R. 1112, an Order was entered by the Acting Director granting temporary relief.

Pursuant to Orders of the Acting Director, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, on April 1-2, 1942, at Washington, D. C.[1] The Bituminous Coal Consumers' Counsel entered an appearance. At the hearing all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner and the Consumers' Counsel appeared.

At the conclusion of the hearing all parties waived the preparation and filing of a Report by the Examiner, and the record was thereupon submitted to the undersigned.

Boonville Coal Sales Corporation is a code member, operating the Star Hill No. 2 Mine (Mine Index No. 81) in the Boonville Subdistrict of District 11. The Star Hill No. 2 Mine is operating in the Standard Fifth Vein and is classified in Price Group 11. The mine is served by ES&N which makes connection with the Southern Railway ("Southern"). The ES&N collects a switching charge of $9.33 per car on coals produced at the Star Hill No. 2 Mine when such coal moves via the Southern. When these coals move over the Southern to destination points on the Chicago and Eastern Illinois Railroad Company ("C&EI"), the Chicago, Indianapolis and Louisville Railway Company ("CI&L"), The New York Central Railroad Co. (Cleveland, Cincinnati, Chicago and St. Louis District), ("NYC (CCC&StL")), The Illinois Central Railroad Company ("IC") or the Pennsylvania Railroad Company ("Penna") the $9.33 switching charge of the ES&N is absorbed by the Southern. To all other destinations, when the Southern participates in the movement, and also when coal is purchased by the Southern for locomotive fuel use, the Southern does not absorb the $9.33 switching charge on Star Hill No. 2 Mine coal originating on the ES&N.

There are other Price Group 11 mines competitors of the Star Hill No. 2 Mine not situated on the ES&N and therefore not required to pay the switching charge. As against such mines the Star Hill No. 2 Mine is at a competitive disadvantage to the extent of the $9.33 per car switching charge which on a 50-ton carload is equivalent to approximately 18 cents per net ton.

The Star Hill No. 1 Mine[2] (Mine Index No. 80), also in Price Group 11, is situated on the ES&N, about three miles from the Star Hill No. 2 Mine. In Docket No. A-743, a proceeding in all material respects similar to this proceeding, a final Order was entered granting the Star Hill No. 1 Mine the right to absorb the switching charge.[3] Unless the Star Hill No. 2 Mine should be granted similar relief, it will be placed at a competitive disadvantage with the Star Hill No. 1 Mine.

The markets sought to be reached through the aid of the relief here requested are the home markets of the Price Group 11 mines. Among these markets is that of Charlestown, Indiana, near which large industrial plants have recently been constructed in connection with the war program. These plants require large quantities of coal. It was pointed out in the final Order in Docket A-743 that the mines on ES&N would be placed at a material competitive disadvantage unless they are permitted to absorb the ES&N switching charge. It was also there noted that in Docket No. A-195 the mines located in District No. 11 were given permission to deduct from their effective minimum prices amounts sufficient to offset any freight rate inequalities existing among them so as to allow the coals of all District 11 mines within the same price classification to deliver into Charlestown, Indiana, at the same price. What was said in the final Order in Docket No. A-743 with respect to the propriety of permitting mines on the ES&N to absorb this switching charge is equally applicable in the case of the Star Hill No. 2 Mine.

With respect to locomotive fuel the evidence shows that the ES&N Railroad requires only two or three carloads per month and that this amount is furnished by the Star Hill No. 1 Mine. Southern requires considerable quantities of locomotive fuel which it purchases on a basis of reciprocity. Southern recognizes the Star Hill No. 2 Mine as entitled to participate in Southern's requirements of locomotive fuel on a reciprocity basis. In order for Star Hill No. 2 Mine to participate in Southern's locomotive fuel purchases it will be necessary that Star Hill No. 2 Mine be permitted to absorb the switching charge of $9.33, in order to place it on a basis of parity with other mines which supply Southern.

The evidence in this case is uncontroverted and there was no opposition expressed at the hearing to the relief requested.

On the basis of the foregoing I find that Star Hill No. 2 Mine should be permitted to absorb the switching charge assessed by the Evansville Suburban and Newburgh Railway Company on coal when shipped via the Southern Railroad to all destinations other than those reached by the C&EI, CI&L, NYC (CCC&StL), IC and the Penna Railroads. Freight absorptions should also be permitted on shipments of locomotive fuel for use on the Southern Railroad. I further find that such freight absorptions are necessary and required in order to preserve the existing fair competitive opportunities of the Star Hill No. 2 Mine and to satisfy the applicable standards of the Act.

Now, therefore, it is ordered, That effective forthwith § 331.1 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be and it hereby is amended by the addition of the following Price Exception to the Price Instructions and Exceptions:

On all shipments from the Star Hill No. 2 Mine, Mine Index No. 81, to destinations located on, or reached via, the Southern Railway Company, except those located on, or reached via, the Chicago and Eastern Illinois Railroad Company, the Chicago, Indianapolis and Louisville Railway Company, The New York Central Railroad Company, the Illinois Central Railroad Company, or The Pennsylvania Railroad Company; and on all shipments of locomotive fuel for use by the Southern Railway Company, the charge assessed by the Evansville Suburban & Newburgh Railway Company for switching to the interchange with the Southern Railway Company may be absorbed, such absorption not to exceed $9.33 per car.

Dated: April 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3423; Filed, April 17, 1942; 10:37 a. m.]

[1] By Order dated January 27, 1942, the hearing was scheduled to be heard before Examiner W. A. Cuff on March 3, 1942. By successive Orders dated March 7, March 31, and April 1, 1942, the hearing was ordered to be held April 1, 1942, before Examiner Charles O. Fowler, vice Examiner Cuff.

[2] Operated by the Sternberg Coal Corporation.

[3] At that time the published switching charge was $8.80 per car.

[Docket No. A-758]

PARTS 322, 327 AND 328—MINIMUM PRICE SCHEDULE, DISTRICTS NOS. 2, 7 AND 8

MEMORANDUM OPINION AND ORDER CONCERNING EXCEPTIONS, ADOPTING EXAMINER'S REPORT, AND GRANTING RELIEF IN PART IN THE MATTER OF THE PETITION OF THE YOUGHIOGHENY AND OHIO COAL COMPANY FOR PERMISSION TO ABSORB CERTAIN DIFFERENTIALS IN TRANSPORTATION CHARGES INVOLVED IN SHIPMENTS FROM ITS MILWAUKEE DOCK TO CERTAIN DESTINATIONS IN PORT EQUALIZATION TERRITORY IN MARKET AREAS 42 AND 43

This proceeding was instituted upon petition, filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division by the Youghiogheny and Ohio Coal Company ("Y & O"), a code member operating mines in Districts 2, 4 and 8, and as a registered distributor, operating a dock at Milwaukee, Wisconsin, requesting on its own behalf and on behalf of all other Milwaukee docks operators similarly situated, a temporary and permanent order permitting them to: (a) absorb the 10-cent per ton differential in railroad switching rate upon shipments to points within the switching limits of Milwaukee where necessary to meet the competition of coal moving from other Milwaukee docks to said points on the lower switching rate, (b) absorb the 5½ cent per ton difference in vessel rates when shipping to any destination in Port Equalization Territory in Market Areas 42 and 43 in competition with "similar" coal shipped from docks located at Green Bay, Manitowoc and Sheboygan, and the 11 cents per ton difference when shipping thereto in competition with similar coal shipped from docks located at Ashland, and (c) absorb, but not in excess of 15 cents per ton, the differential in freight rates to named points in Port Equalization Territory in Market Areas 42 and 43 applying on the one hand to shipments from the Milwaukee docks, and applying on the other hand to the docks at Green Bay, Manitowoc, Sheboygan, Racine and Port Washington.

Eight other registered distributors operating lake docks in Milwaukee, Wisconsin, namely, Fellenz Coal and Dock Company, Arthur Kuesel Coal Company, Leszczynski Fuel Company, Milwaukee Western Fuel Company, North Western Fuel Company, the United Coal and Dock Company, Wisconsin Great Lakes Coal & Dock Company and Wisconsin Ice & Fuel Company ("non-code member Milwaukee dock operators") filed on June 2, 1941, a motion for leave to intervene. District Boards 1, 2, 6, 7, 10 and 11 intervened generally, District Board 7 objecting to any change in the f. o. b. mine price, and District Boards 10 and 11 moving for particulars. Chicago, Wilmington & Franklin Coal Company, Old Ben Coal Corporation, Bell & Zoller Coal & Mining Company, Franklin County Coal Corporation, Peabody Coal Company, and Wasson Coal Company, code members in District 10, intervened in opposition to the relief prayed. Consumers' Counsel Division (now the office of the Bituminous Coal Consumers' Counsel, "Consumers' Counsel") filed a notice of appearance.

Y & O's motion for temporary relief was denied without prejudice by an Order of the Director dated May 24, and its motion for reconsideration in turn was denied by Order of June 14, 1941.

By Order of June 14, 1941, the Director denied the motion of the non-code member Milwaukee dock operators to intervene, and treated their intervening petition as a written appearance.

On June 16, The Cleveland-Cliffs Iron Company ("Cleveland-Cliffs"), and Escanaba Coal and Dock Company ("Escanaba"), registered distributors, likewise moved for leave to intervene, setting forth their status as distributors operating lake docks in Green Bay, Wisconsin and Escanaba, Michigan, respectively, and praying for relief of the same type as that requested by the original petitioner with respect to certain destinations, some of which were not involved in the original petition. In harmony with the Order of June 14, the Examiner has treated these motions and petitions as written appearances.

Pursuant to orders herein and after due notice to interested persons a hearing was held before Travis Williams, an Examiner of the Division, in a hearing room of the Division in Washington, D. C., on June 17 and 18, 1941, at which all interested parties and persons were given an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Y & O, the non-code member Milwaukee docks operators, Cleveland-Cliffs, Escanaba, District Boards 1, 2, 7, 10 and 11, and the Consumers' Counsel appeared. Under date of December 10, 1941, the Examiner filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations ("Examiner's Report") to which District Boards 7 and 11, Y & O, and the non-code member Milwaukee dock operators have filed exceptions.

The Examiner found that the Milwaukee dock operators had an established practice of absorbing the differentials in railroad switching charges where coal was delivered within the switching limits of Milwaukee to destinations not served by the originating railroad, that the requested absorption of not to exceed 10 cents per ton is necessary, and will not affect coordination outside of the city, or affect producer realization, and should be granted through an exception to Price Instruction No. 9 in the rail schedules of Districts 2, 7, and 8. District Board 7 in its exception has pointed out an obvious typographical error in the footnote on page 4 of the Examiner's Report, which refers to "Districts Nos. 2, 4, and 8 (the districts here involved)." The note should refer to "Districts Nos. 2, 7, and 8," and is so corrected. No other exceptions apply to this portion of the Report and the same will be approved and adopted as corrected.

The Milwaukee Dock operators specified 18 destinations to which they wished absorption of rail freight rate differentials. Over the objection of District Board 11, the Examiner found competition between the Milwaukee docks and other Lake Michigan docks with lower transportation rates to be sufficiently proved, although for other reasons he recommended against the granting of relief. In its exceptions, District Board 11 contends that such finding is not substantiated by the record.

I have examined the record and find that it supports the Examiner's finding. Actual tonnage figures showed past shipments by the Milwaukee docks. Although no such figures were furnished for the competing docks, there was uncontradicted testimony that they had shipped to those points, that absorptions had been made to meet such competition, and that at such time as current market prices fell to the level of effective minimum prices, established business might be lost.

The first exception of Y & O and the non-code member Milwaukee dock operators ("petitioners") goes to the failure of the Examiner to make similar findings of competition between the Milwaukee docks and other docks with lower lake transportation rates at the hundreds of destinations making up Port Equalization Territory. But as the Examiner indicated there is no showing that the Milwaukee docks ever moved coal to all or to any particular groups of these destinations. The 18 destinations approved by the Examiner represent a voluntary reduction made by the Milwaukee docks from a much larger list because to many of the points the past tonnages were uncertain or non-existent. There is no reason to assume that a similar reduction could not be made in the group constituting Port Equalization Territory. In addition to this weakness, evidence regarding those points at which the Lake Superior and Lake Michigan docks may all possibly compete is not specific as to what absorption will be needed. Petitioners' conclusion that in each instance the larger absorption is necessary is based upon argument and not upon facts of record.

Petitioners' second and third exceptions apply to the Examiner's finding that the problem is one involving general coordination of ex-dock prices in Wisconsin. The evidence amply supports the Examiner's position, and the petitioners' argument that all docks compete, and that all Lake Michigan docks would absorb where Lake Superior docks have an advantage, practically concedes the fact. The Port Equalization Territory involved is the very heart of the competitive territory.

Petitioners' fifth and sixth exceptions are to the finding that relief might be obtained through voluntary action of the carriers or action by the Public Service Commission of Wisconsin, that final relief should be given only after study of relevant facts now being collected by the Division, and that any attempt to give final relief to the petitioning group alone might seriously unbalance coordination in this territory and result in injury to other dock operators. I find that the Examiner's conclusion in this respect is correct. He has not closed and I do not close the door to relief in this forum after full consideration of the entire

matter, nor to temporary relief should a necessity therefor appear.

Petitioners' fourth and seventh exceptions are to the finding that there is no showing of present losses or acute need for relief, and the eighth exception is to the proposed conclusions of law based on the finding. In this respect petitioners urge that relief be given to them immediately, and not deferred until such time as it may be given to all Wisconsin docks. I approve the finding of the Examiner that absorption of either vessel or rail differential as prayed, with attendant risk of injustice to the dock operators and code members who supply them, should be considered at this time only as temporary relief, necessity for which is negatived by the fact that present prices enable the Milwaukee dock operators to make absorption without code violation. The recommendation of the Examiner that relief be denied without prejudice to any future petition or motion to reopen, and for temporary relief would seem to provide ample protection to the parties should need for immediate relief arise.

Petitioners' ninth exception is to the position of the Examiner and the Director that the non-code member dock operators have no right to intervene in and become parties to this proceeding. In taking his position the Examiner followed the ruling of the Director made herein by Order of June 14, 1941. It is clear that the non-code member dock operators have been given the same opportunities, including consideration of their exceptions, as they would have as parties. I, therefore, adhere to the Director's ruling. I likewise rule that the motion of The Cleveland-Cliffs Iron Company and Escanaba Coal & Dock Company, registered distributors, to intervene should be denied for the reasons stated by the Examiner.

Now, therefore, it is ordered, That the motions of The Cleveland-Cliffs Iron Coal Company and Escanaba Coal & Dock Company to intervene be, and the same hereby are, denied;

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, corrected as above, are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned, and oral argument of the exceptions filed thereto is denied.

It is further ordered, That effective fifteen (15) days from the date hereof, § 322.1 (*Price instructions and exceptions*—(a) *Price instructions*), § 327.1 (*Low volatile and high volatile coals, price instructions and exceptions*—(a) *Price instructions*) and § 328.1 (*Price instructions and exceptions*—(a) *Price instructions*) in the Schedule of Effective Minimum Prices for Districts Nos. 2, 7 and 8 For All Shipments Except Truck be, and the same hereby are, amended by adding thereto an exception to Price Instruction No. 9 thereof, providing:

Producers and distributors operating docks at Milwaukee, Wisconsin, in shipping coal by rail, ex-dock, to points within the switching limits of Milwaukee on other than the originating railroad serving such dock, but excluding the docks served jointly by railroads one of which also serves the consignee, may absorb from the minimum price the actual differential, not to exceed 10 cents per ton.

It is further ordered, That the prayers contained in the original and intervening petitions in so far as not above granted, are hereby severally denied, with leave, however, to the parties hereto to petition or move to reopen this proceeding and for temporary relief should the decline in market prices make such relief appropriate and necessary.

Dated: April 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3471; Filed, April 20, 1942; 10:28 a. m.]

[Docket No. A-950]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR AN ALTERATION IN THE BOUNDARY LINES OF MARKET AREA 114 AND FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 23–29, INCLUSIVE, FOR COALS PRODUCED IN DISTRICT NO. 9, FOR SHIPMENT TO CERTAIN DESTINATIONS IN THE NEWLY DEFINED MARKET AREA 114

A petition, as amended, having been filed with the Bituminous Coal Division by the Office of the Bituminous Coal Consumers' Counsel, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a change in the boundaries of Market Area 114 by enlargement to include the destinations of Maplewood, Madison, Mt. Olivet, Radnor and Mayton, Tennessee, and a balancing reduction of the prices of coals in Size Groups 13–15 and 23–29, inclusive, produced in District 9 for shipment to those destinations, in order to preserve their present price level, and District Boards 8 and 9 having intervened;

A hearing in this matter having been held on October 21 and November 3, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the matter thereupon having been submitted to the undersigned, and Consumers' Counsel having filed a brief; and

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof, the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be, and the same hereby is, amended to include in § 328.12 (*General prices for high volatile coals*) and in § 328.22 (*General prices for low volatile coals*) the following price exception:

Market Area 104

All coals for shipment to destinations of Maplewood, Madison, Mt. Olivet, Radnor and Mayton, Tennessee, shall take the prices provided for shipment to destinations in Market Area 114.

It is further ordered, That the prayers for relief contained in the petitions filed herein be granted to the extent above set forth, and in all other respects denied.

Dated: April 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3470; Filed, April 20, 1942; 10:28 a. m.]

[Docket No. A-1217]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR ESTABLISHMENT OF A PRICE EXCEPTION TO THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10 FOR TRUCK SHIPMENTS, TO PERMIT THE SALE FOR TRUCK SHIPMENT OF 2" MESH BY 0 RESULTANT COAL BY MINE INDEX NO. 84 IN DISTRICT NO. 10

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 10 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition requested the establishment of a price exception for the Little John Mine, Mine Index No. 84, of the Little John Coal Company, a code member, located in Knox County, Illinois, permitting the sale, for shipment by truck, of the resultant coal produced by degration and handling of washed 6" x 4" and 6" x 2" coal at Wataga Dock.

Pursuant to an Order of the Acting Director, dated December 23, 1941, and after notice to all parties, a hearing in this matter was held before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Board No. 10 appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

On December 31, 1941, the petitioner filed a motion asking that temporary relief be granted; however, no temporary relief has been granted.

The petition of District Board No. 10 herein requested the establishment of a price exception to the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments to read as follows:

Mine Index No. 84 may sell the resultant coal, produced by degradation in handling of washed 6" x 4" and 6" x 2"

coals at Wataga Dock, which passes through a 2" mesh screen at the price of $1.30 f. o. b. transportation facilities: *Provided, however,* That no more than 100 tons of such coal may be disposed of at that price monthly.

Frederick Davis, Assistant to the Vice President of the Little John Coal Company, testified that the carbon or dust degradation resulted from handling of their 6" x 4" and 6" x 2" coals at the dock. The coal is washed at the mine and upon reaching the dock is placed in bins by size groups. As it is loaded into the trucks, it is run over vibrating screens which takes out the degradation.

There is no effective minimum price for this resultant coal at present. During the latter part of 1941, however, the producer did sell some of this coal for $1.30 per ton. This price was arrived at by adding 70 cents, representing transportation and handling charges, to the effective minimum price which truck mines in the vicinity have for carbon coal, namely 60 cents per ton. However, the sale was discontinued upon the advice of the Division and approximately 400 tons of this product have now accumulated on the ground at the dock.

At the present time, it appears that the producer has no prospective market other than farmers in the vicinity who may buy this coal to feed to hogs, to fill in roads, or to be used for heating purposes.

The Board incorporated in its petition, an analysis of the resultant coal which indicated that the coal in question is comparable in analytical qualities to carbon (Size Group No. 15) produced at truck mines in Knox County producing comparable coals.

The record indicates that it is not practicable to add this resultant product to screenings (Size Group No. 24) of this mine, for which the present effective minimum price is $1.60 per ton, because to do so would degrade that coal to the point of making it unacceptable to consumers. It also appears that the product is not competitive with screenings because there is a difference in size consist[1] and the coals are not interchangeable in the same type of burning equipment. Only industrial installation having special equipment for burning powdered fuel could utilize this resultant product and the only industrial market in the vicinity of Wataga is the Midwest Manufacturing Company in Galesburg. This company, however, secures its coal from the Knoxville Mine, located at the outskirts of Galesburg, and Little John cannot compete with this mine for this business for its mine is located farther from Galesburg.

The witness Davis testified that the coal is accumulating at the rate of 35 tons a month and there is a pressing need for relief because of the danger of fire. If the price requested is not granted, the witness stated that the producer will be forced, at considerable expense, to load the product into trucks or railroad cars and dump it on the waste banks at his mine.

No petitions of intervention were filed with the Division and there is no record of any protest being made to the Board concerning this price exception, between the date of the filing of the petition and the date of hearing herein.

Upon the basis of the uncontroverted evidence in this proceeding, I find and conclude that the establishment of the price exception requested is proper and that such price exception will effectuate the purposes of section 4 II (a) and (b) of the Act and comply with standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 330.21 (*Price instructions and exceptions.* (b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments be, and it hereby is, amended by adding thereto:

"Mine Index No. 84 may sell the resultant coal, produced by degradation in handling of washed 6" x 4" and 6" x 2" coals at Wataga Docks, which passes through a 2" mesh screen at the price of $1.30 f. o. b. transportation facilities: *Provided, however,* That no more than 100 tons of such coal may be disposed of at that price monthly.

Dated: April 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3472; Filed, April 20, 1942; 10:28 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare*

Subchapter A—General

[Order No. 2]

EXECUTIVE DIRECTORS AUTHORIZED TO ISSUE REGULATIONS, DELEGATE POWERS AND FUNCTIONS, ETC.

Pursuant to the provisions of Executive Order No. 9128, dated April 13, 1942,[1] amending Executive Orders No. 8839, of July 30, 1941,[2] No. 8900, of September 15, 1941,[3] and No. 8982, of December 12, 1941,[4] the Executive Director of the Board of Economic Warfare is hereby authorized and directed to exercise the powers and functions therein conferred, subject to my general supervision and direction. In exercising such powers and functions, the Executive Director shall be authorized to issue such rules, regulations and directives, and to delegate and provide for the redelegation of such of said powers and functions, as he may from time to time deem advisable.

H. A. WALLACE,
Chairman.

APRIL 14, 1942.

[F. R. Doc. 42-3443; Filed, April 17, 1942; 1:35 p. m.]

Subchapter C—Import Control[1]

RULES AND REGULATIONS

1. These Rules and Regulations, promulgated by virtue of the authority vested in the Board of Economic Warfare by Executive Order of the President of the United States dated April 13, 1942 (E.O. 9128),[2] are issued by the Executive Director pursuant to authority vested in him by Board of Economic Warfare Order No. 2. They shall be considered to be in full force and effect as of April 20, 1942.

2. As used in these Regulations and in all directives which may be issued hereunder:

(a) The term "imported materials contract" shall, unless otherwise specified, mean any contract, commitment, understanding, or arrangement for

(i) The procurement of any materials or commodities (other than arms, munitions, or weapons of war as defined in the President's Proclamation of May 1, 1937, as amended)[3] to be imported from foreign countries for the war production effort and the civilian economy;

(ii) The production in any foreign country of such materials or commodities; or

(iii) The financing of such procurement or production, entered into or arrived at, or proposed to be entered into or arrived at by

The Department of Commerce.
The Reconstruction Finance Corporation.
Metals Reserve Company.
Rubber Reserve Company.
Defense Supplies Corporation.
Defense Plant Corporation.
United States Commercial Corporation.
Export-Import Bank of Washington.
The Treasury Department.
The Department of Agriculture.
The Department of State.
The Office of Lend-Lease Administration.

and such other agencies as may from time to time be specified by the Executive Director.

(b) The term "Chairman" shall mean the Chairman of the Board of Economic Warfare.

(c) The term "Executive Director" shall mean the Executive Director of the Board of Economic Warfare.

(d) The term "Administrative Officer" shall mean the Chief of the Administrative Management Division of the Board of Economic Warfare.

3. The Executive Director is authorized to issue directives to any agency included within the enumeration set out in Article 2 of these Rules and Regulations, or any amendment thereof, determining the policies, plans, procedures, and methods of such agencies with respect to the negotiation, conclusion, performance, management and amendment of im-

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[1] So in original document.

*Formerly Chapter VIII, Export Control.
[1] 7 F.R. 2809.
[2] 6 F.R. 3823.
[3] 6 F.R. 4795.
[4] 6 F.R. 6530.

[1] Formerly Subchapter C—Board of Economic Warfare.
[2] 7 F.R. 2809.
[3] 2 F.R. 925; 7 F.R. 2769.

ported materials contracts, to implement directives received from the Chairman of the War Production Board pursuant to section (1a) of the aforesaid Executive Order No. 9128. The Executive Director may also initiate proposals for such contracts which shall be carried out in accordance with the directives issued by him. Any directive issued by the Executive Director shall, unless otherwise specified therein, become effective upon the date of its receipt by the agency or agencies to which it is addressed.

4. After negotiation by the appropriate Assistant Director, the Administrative Officer is authorized to conclude, from time to time, arrangements with the Department of State relating to the sending of technical, engineering and economic representatives abroad, and the methods of communicating with such representatives.

5. The authority to issue directives pursuant to these Rules and Regulations may be exercised by the Assistant Director in charge of the Office of Imports of the Board of Economic Warfare or, in his absence, by the person designated to act for him by the Executive Director, subject to the supervision and direction of the Executive Director.

6. These Rules and Regulations may be amended from time to time by the Executive Director with the approval of the Chairman.

7. Any authority conferred upon any other official by these Rules and Regulations or any amendments thereof may none the less be exercised by the Chairman.

MILO PERKINS,
Executive Director.

Approved:

H. A. WALLACE,
Chairman.

APRIL 16, 1942.

[F. R. Doc. 42-3480; Filed, April 17, 1942; 1:35 p. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-19

Anderson & Sons

Anderson & Sons of Westfield, Massachusetts, manufactures etched and lithographed metal products such as name plates, markers, and dials. It is subject to the provisions of General Preference Order M-1, Supplementary Order M-1-a, and Priorities Regulation No. 1.

During the period between March 22, 1941 and November 1, 1941, Anderson & Sons shipped approximately 38,926 pounds of products made of aluminum for non-defense uses. These shipments had not been approved by the Director of Priorities on Form PD-26 or otherwise.

In the months of September, October, and November, by means of wilful misrepresentation, Anderson & Sons obtained Preference Rating Certificates assigning preference ratings to orders for amounts of aluminum, brass, steel and other materials widely in excess of the amounts required for the completion of rated contracts. In this manner Anderson & Sons accumulated inventories of those materials in excess of a practicable minimum working inventory. The excess materials thus obtained were in large part consumed in production of non-defense items.

These willful misrepresentations and violations of General Preference Order M-1, Supplementary Order M-1-a, and Priorities Regulation No. 1 have resulted in the diversion of scarce materials from the war program.

§ 1010.19 *Suspension Order S-19.* It is hereby ordered that:

(a) Anderson & Sons, its successors and assigns, shall not accept delivery of, receive, deliver or cause to be delivered any aluminum, copper, stainless steel, or scrap or alloys of such metals, except upon the specific authorization of the Director of Industry Operations.

(b) Anderson & Sons, its successors and assigns, shall not, subsequent to ten days from the date of issuance of this Order, process, fabricate, deliver or cause to be delivered any products fabricated or in course of fabrication of aluminum, copper, stainless steel or scrap or alloys of such metals, except upon the specific authorization of the Director of Industry Operations: *Provided, however,* That nothing contained in this Order shall be construed to authorize processing, fabricating, sale or delivery in violation of any order or regulation of the Director of Priorities or the Director of Industry Operations during the ten day period.

(c) No person shall accept delivery of or receive any material or product which Anderson & Sons is by the terms of this Order prohibited from delivering, or causing to be delivered, or which that Person knows or has reason to believe has been processed or fabricated by Anderson & Sons in violation of the provisions of this Order, except upon the specific authorization of the Director of Industry Operations.

(d) No person shall deliver or cause to be delivered to Anderson & Sons any material or product which Anderson & Sons is by the terms of this Order prohibited from receiving, accepting delivery of, processing or fabricating, except upon the specific authorization of the Director of Industry Operations.

(e) Anderson & Sons, its successors and assigns, shall submit within ten days from the date of this Order a schedule of its inventories of aluminum, copper, stainless steel, and scrap and alloys of such metals, to the Inventory and Requisitioning Branch, War Production Board, and shall dispose of such inventories as directed by that Branch.

(f) Deliveries of material or equipment to Anderson & Sons, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied or assigned to such deliveries by any Preference Rating Certificate, Preference Rating Order, General Preference Order, or any other order or regulation of the Director of Industry Operations, except as the Director of Industry Operations may specifically direct.

(g) No allocation to Anderson & Sons, its successors or assigns shall be made of any material of which the supply or distribution is governed by any order of the Director of Industry Operations, except upon specific direction of the Director of Industry Operations.

(h) This Order shall take effect on April 20, 1942, and shall expire on October 20, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law, 89, 77th Cong.)

Issued this 18th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3452; Filed, April 18, 1942; 11:21 a. m.]

PART 1055—WOOL

AMENDMENT NO. 4 TO CONSERVATION ORDER NO. M-73 [1] AS AMENDED AND EXTENDED TO JULY 4, 1942

Section 1055.1, *Conservation Order No. M-73,* is hereby amended as follows:

Paragraph (a) (1) is amended by adding at the end thereof the following paragraph:

(v) *Prohibition against putting wool into process for floor coverings, drapery and upholstery after April 17, 1942.* Notwithstanding and superseding other provisions of paragraph (a) (1), unless specifically authorized by the Director of Industry Operations, no person shall put into process or cause to be put into process by others for his account any wool for the manufacture of floor coverings, drapery or upholstery fabrics, or any component part thereof, after 11:59 p. m., April 17, 1942, except to the extent necessary to fill all orders placed for floor coverings to be delivered to or for the account of the Army or Navy of the United States, or the United States Maritime Commission, or to be physically incorporated in any product or material which is, itself, ultimately delivered to or for the account of the Army or Navy of the United States, or the United States Maritime Commission. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Amendment shall take effect at once with respect to all persons having actual notice thereof and upon recording with the FEDERAL REGISTER with respect to all other persons.

Issued this 17th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3442; Filed, April 17, 1942; 3:51 p. m.]

[1] 7 F.R. 2708.

PART 1108 — REPAIR, MAINTENANCE, AND OPERATION OF PLANTS PROCESSING OR PRODUCING DAIRY PRODUCTS

PREFERENCE RATING ORDER NO. P–118

§ 1108.1 *Preference Rating Order P–118*—(a) *Definitions.* For the purposes of this section:

(1) "Processor" means any person located in the United States, its territories or possessions, engaged in one or more of the following capacities to the extent that he is so engaged:

(i) Pasteurizing milk,

(ii) Receiving milk from other persons for cooling preparatory to reshipment for further processing,

(iii) Producing dairy products, for sale, by processing milk or cream in a plant not located on the farm where the milk was produced;

or any person, located in the Dominion of Canada, to whom and in whose name a copy of this section is specifically issued

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) "Maintenance" means minimum upkeep necessary to enable the processor's existing plant and equipment to be used at its maximum rate of operation permissible under any applicable orders.

(4) "Repair" means restoration of a processor's machinery, plant or equipment to sound working condition within a reasonable time after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction.

(5) "Material required for operation" means operating supplies to be consumed in the course of a processor's operations but not to be physically incorporated in the finished products nor used as packaging or fuel.

(6) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment which is beyond economic repair: *Provided,* That such substitution is made within a reasonable time after such condition develops: *And provided further,* That the replacement is not of greater productive capacity than the replaced machinery or equipment except to the minimum possible extent when a replacement of equivalent capacity is obsolete, unobtainable, or not obtainable within a reasonable time in relation to the processor's operating needs.

(7) "Addition and expansion" means introduction of additional plant or equipment, other than replacements, to increase the productive capacity of a processor's existing plant or equipment.

(8) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a processor or to another supplier.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned as follows, subject to the restrictions and conditions of paragraphs (d) and (e) of this section:

(1) A–2 to deliveries, to a processor, of material directly required for emergency maintenance or repair, to avert spoilage of milk or dairy products because of an actual or threatened breakdown or suspension of a processor's operations.

(2) A–3 to deliveries, to a processor, of material required for repair, maintenance, operation, or replacement, or which will be physically incorporated into material which will be delivered for such use, excluding, however, any material for addition or expansion.

(3) For the purposes set forth in subparagraphs (1) and (2) of this paragraph, the ratings therein assigned are also assigned to deliveries to any supplier of material which will be delivered by him or another supplier to the processor under the ratings assigned above, or which will be physically incorporated into material which will be so delivered; and the rating assigned in subparagraph (2) is also assigned to deliveries which will be used, within the limitations of paragraph (d) of this section, to replace in such supplier's inventory material which is delivered by him under either of the ratings assigned above: *Provided, However,* That no supplier engaged in the business of manufacturing machinery may apply or extend a rating hereunder in order to obtain delivery of material to be used by him in the manufacture of machinery or parts whether or not to be physically incorporated in such machinery.

(c) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) A processor: *Provided, however,* That if the material is for replacement, the rating may be applied by the processor only after specific advance approval of the Director of Industry Operations pursuant to paragraph (e) of this section;

(2) Any supplier of material to the delivery of which a preference rating has been applied as provided in paragraph (c), and subject to the limitations of paragraph (b) (3) of this section;

Provided, That the preference ratings hereby assigned may not be applied to deliveries of any material to be used for purposes prohibited by any order or regulation issued by the Director of Industry Operations.

(d) *Restrictions on use of ratings*— (1) *Restrictions on processor.* (i) Every contract and purchase order for material, to which a preference rating is to be applied hereunder, must specify the date or dates by which delivery is required, and the preference rating may be applied only to such material, or portion thereof, which, under the contract or purchase order, is to be delivered to the processor for his operations during the calendar year 1942. The processor may apply the ratings only to those quantities and kinds of material essential to enable him to maintain his production schedules for the calendar year 1942.

(ii) The processor shall not apply any preference rating assigned by paragraph (b) (1) of this section to deliveries of material to replace other material withdrawn from his inventory or stores for maintenance, repair, or operation.

(iii) The processor shall not apply any preference rating assigned by paragraph (b) (2) of this section if, in view of the current rate of consumption of his inventory or stores for repair and maintenance or operation, the delivery of the material to be rated would increase such inventory or stores above the minimum permitted or provided in paragraph (f) of this section.

(iv) The processor shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

(2) *Restrictions on supplier.* (i) No supplier may deliver material pursuant to a rating, applied to him by a processor located in the Dominion of Canada, unless the endorsement on the purchase order placed with such supplier includes a serial number.

(ii) No supplier may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder, or, within the limitations of subdivisions (iii) and (iv) of this subparagraph, to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and, if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(iii) A supplier who supplies material which he has in whole or in part manufactured, processed, assembled, or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating, subject to the limitations of paragraph (b) (3) of this section, before completing the rated delivery which reduces his inventory below such minimum.

(iv) A supplier who supplies material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed, may, in restoring his inventory to a practicable working minimum, defer applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference rating.* (1) A processor or any supplier, in order to apply the preference ratings assigned hereunder to deliveries to him, must, (i) endorse on each purchase order or contract which is covered by a rating assigned hereunder, a statement in the following form, signed, manually or as provided in Priorities Regulation (Part

944), by an official duly authorized for such purpose, specifying the rating assigned:

Preference Rating A ------ is applied hereto under Preference Rating Order No. P-118, with the terms of which Order the undersigned is familiar.

(Name of processor or supplier and serial number, when required)

By---

(Duly authorized official)

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to material, the delivery of which is rated in accordance herewith.

(ii) If preference rating A-2 is applied to the delivery of material, the processor must, immediately upon placing his order for such material, telegraph to the War Production Board the following with respect to such order:

(*a*) The name and address of the supplier.

(*b*) The reasons why such order required assignment of preference rating as emergency maintenance or repair.

(*c*) A specific description of the material ordered.

(*d*) The invoice cost of each item of such material.

(iii) If the material is required for replacement, the processor shall not apply preference rating A-3, unless he shall have communicated with the War Production Board, describing the material needed and the nature of the proposed replacement, and shall have received from the Director of Industry Operations a specific authorization to apply such rating. Such application for authorization may be made by a written statement on Form PD-414 or, in any emergency, by telegram giving substantially the information called for by said Form PD-414.

(2) With respect to a purchase order or contract placed before the effective date of this section, and subject to the restrictions in paragraphs (e) (1) (ii) and (iii) of this section, a preference rating may be applied by delivering to the supplier a copy of such purchase order or contract endorsed as provided above.

(3) A supplier who has received from two or more processors or suppliers endorsed purchase orders or contracts for material to the delivery of which the same rating has been applied in accordance with this section, may include in a single purchase order or contract, and (within the limitations of paragraphs (b) (3) of this section) may apply the rating to any or all of the material which he in turn requires to make such rerated deliveries or to replace in his inventory material so delivered.

(f) *Inventory provisions.* A processor who applies a rating hereunder to deliveries of any material shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the processor for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the processor, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operations for the years 1938, 1939, and 1940.

(g) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, a processor, and each supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts, or filed in such manner that they can be readily segregated for such inspection.

(h) *Reports.* Each processor and each supplier who applies a preference rating hereunder shall file such reports as may be required from time to time by the War Production Board; and until further notice any processor or supplier who applies a preference rating hereunder for emergency maintenance or repair, or for repair, maintenance, or operation, shall file Form Pd-413 on or before the 10th day of each month.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this section, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: P-118.

(j) *Violations.* Any person who wilfully violates any provision of this section or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Revocation or amendment.* This section may be revoked or amended at any time as to any processor or any supplier. In the event of revocation, deliveries already rated pursuant to this section shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the processor or supplier affected by such revocation.

(l) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case, the provisions of this section shall govern.

(m) *Effective date.* This section shall take effect immediately and shall continue in effect through June 30, 1942, unless revoked, amended, or modified prior thereto. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 18th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3454; Filed, April 18, 1942; 11:22 a. m.]

PART 1174—LAUNDRY EQUIPMENT

GENERAL LIMITATION ORDER L-91

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials, used in the production of commercial laundry and dry cleaning machinery, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1174.1 *General Limitation Order L-91*—(a) *Definitions.* For the purpose of this section:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person producing commercial laundry or dry cleaning machinery to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by a manufacturer.

(3) "Distributor" means any person in the business of distributing commercial laundry or dry cleaning machinery other than sales and distribution outlets controlled by a manufacturer.

(4) "Commercial laundry machinery" and "dry cleaning machinery," unless otherwise specified, mean new machinery, and its equipment and accessories.

(b) *Restrictions on delivery.* On and after the effective date of this section, regardless of the terms of any contract of sale or purchase or other commitment, or of any Preference Rating Certificate, no manufacturer, distributor, or other person shall accept an order for, or sell, deliver, or otherwise transfer, and no person shall purchase, receive delivery of, or otherwise acquire, any commercial laundry or dry cleaning machinery, except as follows:

(1) To fill orders for the Army or the Navy of the United States, or the Maritime Commission; or

(2) Upon express authorization of the Director of Industry Operations upon Form PD-418.

(c) *Procedure for securing rating.* All persons making application for an authorization under paragraph (b) (2) of this section, shall make such application on Form PD-418.

(d) *Prohibition of production of commercial laundry and dry cleaning machinery.* (1) On and after June 1, 1942 no manufacturer shall produce any commercial laundry machinery, except to fill orders for, and in accordance with, specifications of, the Army, the Navy, or the Maritime Commission.

(2) On and after July 1, 1942 no manufacturer shall produce any commercial dry cleaning machinery, except to fill orders for, and in accordance with, specifications of, the Army, the Navy, or the Maritime Commission.

(3) Unless otherwise authorized by the Director of Industry Operations, no commercial laundry or dry cleaning machinery, including maintenance or repair parts therefor, shall be manufactured after May 15, 1942, except by a person who has filed an application under Preference Rating Order P–90 (Production Requirements Plan) on Form PD–25A, PD–25X, or other applicable form, for all his material requirements for such manufacture for which he requires priority assistance.

(e) *Nonapplicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) of this section shall not be construed to restrict the manufacture, acquisition, sale, or delivery, in any manner, of parts to be used to repair or maintain existing machinery, or machinery delivered under the terms of this section.

(f) *Restrictions on use of materials.* (1) On and after April 30, 1942, no monel metal, nickel, or nickel chrome steels shall be used in the production of commercial laundry or dry cleaning machinery, except where specified by the Army, the Navy, or the Maritime Commission.

(2) Nothing in this section shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any order, or other regulation now effective or effective at the date of any such sale, delivery, or other transfer.

(g) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this section, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: L–91.

(i) *Appeals.* Any manufacturer affected by this section, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that compliance with this section would disrupt or impair their program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, Ref: L–91, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Violations.* Any person who wilfully violates any provision of this section, or who wilfully furnishes false information to the Director of Industry Operations in connection with this section is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(k) *Records and reports.* (1) Each person affected by this section shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of commercial laundry and dry cleaning machinery.

(2) Each person affected by this section shall execute and file with the Office Machinery and Services Branch, Division of Industry Operations, such reports and questionnaires as said Branch shall from time to time request.

(3) On or before May 7, 1942, for the month of April, and on or before the seventh day of each month thereafter, for the preceding month, each Manufacturer of commercial laundry or dry cleaning machinery shall file a monthly report of orders, production and shipments on Form PD–419.

(l) *Effective date.* This section shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 18th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3451; Filed, April 18, 1942; 11:21 a. m.]

PART 1186—SULFUR

GENERAL INVENTORY ORDER M–132

§ 1186.1 *General Inventory Order M–132*—(a) *Exception to general inventory restrictions.* Notwithstanding the provisions of any regulation or order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board, or any other Regulation or Order which may hereafter be issued but which does not expressly relate to sulfur, any primary producer may make deliveries of sulfur, and any person may accept deliveries of sulfur from a primary producer, although the inventory of sulfur in the hands of the person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that the provisions of paragraph (a) are inconsistent therewith, all transactions involving sulfur shall be subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time.

(c) *Definitions.* "Primary producer" means a person who mines sulfur.

(d) *Effective date.* This Order shall take effect at once and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 18th day of April, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3453; Filed, April 18, 1942; 11:21 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

INTERPRETATION NO. 1 OF GENERAL LIMITATION ORDER L–5

The following interpretation is hereby issued by the Director of Industry Operations with respect to § 989.1, *General Limitation Order L–5* as amended March 3, 1942.

Any refrigerator built by a manufacturer to meet the specifications of the United States Navy or the United States Maritime Commission for use on vessels built or operated by either of those governmental agencies shall not be considered a Domestic Mechanical Refrigerator under the provisions of Limitation Order L–5. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3484; Filed, April 20, 1942; 11:58 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

AMENDMENT NO. 3 TO SUPPLEMENTARY GENERAL LIMITATION ORDER L–5–b

Section 989.3 (*Supplementary General Limitation Order L–5–b*) is hereby amended in the following particulars:

Subparagraph (a) (6) (i) (*a*) is hereby amended to read as follows:

(*a*) to any person any New Electric Domestic Mechanical Refrigerator from his Stock of New Refrigerators, and any New Electric Domestic Mechanical Refrigerator which he acquired on or after March 26, 1942 from the Stock of New Refrigerators of any other person not a manufacturer or distributor, and * * *

Paragraph (a) is hereby further amended by adding a new subparagraph (7) as follows:

(7) Any person may ship or transfer from one location to another any New Domestic Mechanical Refrigerator in which he held the complete beneficial and legal title on or before 10 A. M. Eastern War Time, February 14, 1942, whether or not he had actual possession thereof. Any New Domestic Mechanical Refrigerator which was in the hands of a seller at 10 A. M. Eastern War Time, February 14, 1942, but which had been fully paid for before that date shall be deemed to be a part of the Stock of New Refrigerators of the purchaser, and may be shipped or delivered at his direction.

(P.D. Reg. 1, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Amendment shall take effect immediately.

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3483; Filed, April 20, 1942; 11:58 a. m.]

PART 990—CHLORINE IN PULP, PAPER AND PAPERBOARD

AMENDMENT NO. 1 TO GENERAL LIMITATION ORDER L-11

Paragraph (1) of subsection (c) of § 990.1 (*General Limitation Order L-11*) is hereby amended to read as follows:

(c) (1) No producer shall use in any calendar quarterly period for the treatment of rag stock an average amount of chlorine per ton of rag stock treated greater than 80% of the average amount of chlorine per ton of rag stock treated used by such producer for the treatment of rag stock during the calendar quarterly period ending July 31, 1941. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3482; Filed, April 20, 1942; 11:58 a. m.]

PART 955—MATERIAL ENTERING INTO THE CONSTRUCTION OF DEFENSE PROJECTS

AMENDMENT NO. 1 TO PREFERENCE RATING ORDER NO. P-55

Preference Rating Order No. P-55 is hereby amended as follows: 1. Paragraph (d) (2) is amended to read as follows:

(2) *Restrictions on supplier.* (i) No Supplier may apply the preference rating hereby assigned to obtain Defense Housing Material in greater quantity or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of this paragraph (d) (2), to replace in his inventory Defense Housing Material so delivered. He shall not be deemed to require such Defense Housing Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if in making such delivery he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Defense Housing Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed, may not apply a rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Defense Housing Material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed, may defer applications of a rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

2. Paragraph (h) of Preference Rating Order No. P-55 is hereby amended to read as follows:

(h) *Revocation or amendment.* This Order may be revoked or amended by the Director of Industry Operations at any time as to the Builder or any Supplier.

(1) In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder or any Supplier affected by such revocation.

(2) Upon expiration of this Order, deliveries already rated pursuant thereto shall be completed in accordance with said rating. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder but a Supplier may continue to apply the rating to deliveries of Material required by him to fill purchase orders or contracts duly rated hereunder.

(P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law, 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3486; Filed, April 20, 1942; 11:59 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

AMENDMENT NO. 1 TO SUPPLEMENTARY LIMITATION ORDER L-26-A

Paragraph (b) of § 1029.2 (*Supplementary Limitation Order L-26-a*, issued March 9, 1942) is hereby amended to read as follows:

(b) *Prohibition of manufacture of farm machinery and equipment requiring rubber tires.* No producer shall

(1) After April 30, 1942, manufacture any Farm Machinery and Equipment (including Farm Tractors, but excluding Combines) requiring rubber tires.

(2) After July 31, 1942, manufacture any Combines (Harvester-Threshers) requiring rubber tires.

Effective Date. This Order shall take effect immediately.

(P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3490; Filed, April 20, 1942; 12:00 m.]

PART 1090—AGAVE FIBER

AMENDMENT NO. 4 TO GENERAL PREFERENCE ORDER NO. M-84

Section 1090.1 (*General Preference Order No. M-84*) is hereby amended as follows:

Paragraph (d) (5) is amended to read as follows:

(5) of the species of Java Agave Sisalana, commonly known in the trade as Java Sisal, for manufacturing Wrapping Twine or Binder Twine, except to the extent that such fibers have actually been put into process on or before the date of this amendment.

(P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3481; Filed, April 20, 1942; 11:58 a. m.]

PART 929—MATERIAL FOR THE PRODUCTION OF CRANES AND HOISTING EQUIPMENT

EXTENSION NO. 2 OF CERTAIN SERIAL-NUMBERED COPIES OF PREFERENCE RATING ORDER NO. P-5-b

It is hereby ordered that:

(a) The following serial-numbered copies of Preference Rating Order No.

P–5–b, issued to the companies named, are continued in effect until 12:01 a. m. July 1, 1942:

Name of company	*Serial No.*
Abel-Howe Co	1
Abel-Howe Co	128
Alliance Machine Co	2
American Chain & Cable Co., Inc., Wright Mfg. Division	51
American Chain & Cable Co., Inc., Wright Mfg. Division	201
American Engineering Co	3
American Hoist & Derrick Co	4
American Hoist & Derrick Co	101
American Hoist & Derrick Co	202
American Monorail Co	5
American Monorail Co	143
The Atlas-Chicago Co., Division of Chicago Electric Co	129
Bacon Crane & Hoist Corporation	6
Bacon Crane & Hoist Corporation	130
Bacon Crane & Hoist Corporation	204
Barrett-Cravens Company	7
Bedford Foundry & Machine Co	8
Beebe Brothers	205
Bethlehem Steel Co	9
Victor R. Browning & Co., Inc	10
The Buckeye Traction Ditcher Co	224
Century Hoist Mfg. Co., Inc	206
Chicago Tramrail Co	11
Chicago Tramrail Co	131
Chicago Tramrail Co	207
Cleveland Crane & Eng. Co	12
Cleveland Crane & Eng. Co	132
Clyde Iron Works, Inc	13
Clyde Iron Works, Inc	209
Coffing Hoist Co	14
Coffing Hoist Co	210
Colby Steel & Eng. Co	15
Columbus McKinnon Chain Corporation	16
Columbus McKinnon Chain Corporation	133
Columbus McKinnon Chain Corporation	226
Conco Engineering Works, Div. of H. D. Conkey & Co	17
Conco Engineering Works, Div. of H. D. Conkey & Co	211
Cullen-Friestedt	106
Cyclops Iron Works	18
Derrick & Hoist Construction Co., Inc	19
Detroit Hoist & Machine Co	20
Dominion Bridge Co., Ltd	66
Dominion Hoist & Shovel Co., Ltd	65
Dominion Hoist & Shovel Co., Ltd	231
Dravo Corporation	21
Ederer Engineering Co	60
Electro Lift, Inc	22
Erie Steel Construction Co	23
Euclid Crane & Hoist Co	24
Ferdon Equipment Eng. Co	25
Ferdon Equipment Eng. Co	134
The Hanson Clutch & Machinery Co	26
Harnischfeger Corporation	27
Harrington Co	212
Heyl and Patterson	28
Industrial Construction Corporation	56
Industrial Construction Corporation	145
Judson-Pacific Company	59
R. W. Kaltenbach Corporation	29
Lakeside Bridge & Steel Co	30
Link-Belt Speeder Corp	54
The Louden Machinery Co	31
The Louden Machinery Co	135
The Louden Machinery Co	213
McCollum Hoist & Mfg. Co	32
McCollum Hoist & Mfg. Co	214
Marion Steam Shovel Co	67
The Master Electric Co	33
Anthon M. Meyerstein Co	34
Milwaukee Crane Service Co	68
Modern Equipment Co	230
Morgan Engineering Co	35
The Herbert Morris Crane & Hoist Co., Ltd	62
The Herbert Morris Crane & Hoist Co., Ltd	146
The Herbert Morris Crane & Hoist Co., Ltd	229
Northern Crane & Hoist Works, Limited	63
Northern Crane & Hoist Works, Limited	147
Northern Engineering Works	36
Northwest Engineering Co	52
Ohio Locomotive Crane Co	120
Orton Crane & Shovel Co	37
Orton Crane & Shovel Co	121
Pacific Car and Foundry Co	215
Peerless Monorail Division, Lansdale Structural Steel & Machine Co	38
Peerless Monorail Division, Lansdale Structural Steel & Machine Co	136
Peerless Monorail Division, Lansdale Structural Steel & Machine Co	216
Philadelphia Chain Block & Mfg. Co	217
Philadelphia Tramrail Co	39
Philadelphia Tramrail Co	137
Reading Chain & Block Corporation	40
Richards-Wilcox Mfg. Co	55
Richards-Wilcox Mfg. Co	138
Robins Conveying Belt Co	42
Robins Conveying Belt Co	219
Robbins and Myers, Inc	41
Robbins and Myers, Inc	218
Roeper Crane & Hoist Wks., Inc	43
David Round & Son	61
David Round & Son	223
Saginaw Stamping & Tool Co	227
Seneca Engineering Co	44
Seneca Engineering Co	139
Seneca Engineering Co	220
Shaw-Box Crane & Hoist Div., Manning, Maxwell, and Moore, Inc	45
Shepard-Niles Crane & Hoist Corporation	46
Silent Hoist Winch & Crane Co	53
Spencer & Morris	66
Spencer & Morris	150
Spencer & Morris	232
Star Iron & Steel Co	47
Union Mfg. Co	221
Washington Iron Works	48
Wellman Engineering Co	49
Whiting Corporation, Ltd	64
Whiting Corporation	50
Wiley Equipment Co	58
Willamette Hyster Co	222
Yale & Towne Mfg. Co	57
Yale & Towne Mfg. Co	225

(b) The following serial-numbered copies of Preference Rating Order No. P–5–b, issued to the companies named, are continued in effect until 12:01 a. m. July 1, 1942; *Provided, however,* That after 12:01 a. m. May 1, 1942 the preference rating therein assigned may only be used to obtain material for the production of the type of crane specified herein, and only if such companies have not included materials for such equipment in any application filed by them under the Production Requirements Plan:

Name of company	Serial No.	Type of crane
Browning Crane & Shovel Co.	103	Locomotive Cranes.
Bucyrus Erie Co	104	Locomotive Cranes.
Industrial Brownhoist Co	111	Locomotive Cranes.
Dominion Hoist & Shovel Co., Limited.	149	Locomotive Cranes.

(c) All other serial-numbered copies of Preference Rating Order No. P–5–b are terminated at 12:01 a. m. May 1, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3492; Filed, April 20, 1942; 11:58 a. m.]

PART 1148—CLOSURE ENAMEL

AMENDMENT NO. 1 TO CONSERVATION ORDER M–116

Section 1148.1 (*Conservation Order M–116*) is hereby amended as follows:

(1) Present paragraph (f) is hereby amended to read as follows:

(f) *Effective date.* This Order shall take effect April 30, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately. Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3488; Filed, April 20, 1942; 11:59 a. m.]

PART 1158—INDUSTRIAL MACHINERY

AMENDMENT NO. 1 TO L–83

Paragraph (b) (1) of General Limitation Order L–83 (§ 1158.1) is hereby amended to read as follows:

(b) *Restrictions or acceptance of orders for, and production and distribution of critical industrial machinery.* (1) No Manufacturer or Distributor shall accept any Order for Critical Industrial Machinery, or deliver or, after May 15, 1942, produce any Critical Industrial Machinery in fulfillment of any Order, whether accepted or not; unless such Order is an Approved Order. No person shall accept delivery of any Critical Industrial Machinery except pursuant to an Approved Order. Provided, however, that nothing in this order shall be construed to prevent the shipment of machinery from any Manufacturer to any Distributor (i) to fill approved Orders actually received by such Distributor or (ii) to replace machinery delivered by such Distributor to fill an Approved Order, or to limit the right of a Manufacturer legally to extend any Preference Rating Certificate to secure material for the production of Approved Orders for Critical Industrial Machinery. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong, as amended by Pub. Law 89, 77th Cong.)

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3489; Filed, April 20, 1942; 12:00 m.]

PART 1166—FEMININE APPAREL FOR OUTER WEAR AND CERTAIN OTHER GARMENTS

AMENDMENTS NO. 1 TO GENERAL LIMITATION ORDER L–85

Section 1166.1 (*General Limitation Order L–85*) is hereby amended in the following respects:

1. Paragraph (c) is amended to read as follows:

(c) *General provisions with respect to finished garments.* The prohibitions and restrictions of this Order shall not apply to articles of feminine apparel, the cloth for which was put into process prior to the effective date of this Order, with respect thereto, or to articles of feminine apparel in existence on that date or to sales of second-hand articles of feminine apparel.

2. Paragraph (d) is hereby amended by adding a new subparagraph (7) reading as follows:

(7) Historical costumes for theatrical productions: *Provided, however,* That no feminine apparel manufactured or sold pursuant to this paragraph shall be used for any purposes other than those for which it was so manufactured or sold, unless altered to conform to the provisions of this Order, applicable to such other use.

3. Paragraph (e) is amended to read as follows:

(e) *General restrictions on the manufacture and sale of all articles of feminine apparel.* Except as otherwise herein expressly provided, no person shall, after the effective dates of this Order, with respect to such person:

(1) Put into process any cloth for the manufacture of, or sell, or deliver any feminine apparel with:

(i) More than two articles of apparel at one unit price, except when specific restriction herein has limited the sale of any article of apparel to one unit at one unit price, in which event such specific restriction shall govern.

(ii) French cuffs on sleeves.

(iii) Double material yokes.

(iv) Balloon, dolman, or leg-of-mutton sleeves.

(v) Fabrics which have been reduced from normal width or length by all-over tucking, pleating or shirring; except in skirts when said fabric, after tucking, pleating, or shirring operations does not contain more material than permitted for sweeps as specified in this Order; and except for minor trimmings.

(vi) Inside pockets of wool cloth.

(vii) Patch pockets of wool cloth on a lined wool cloth garment.

(viii) Pocket flaps on any garment with patch pockets.

(ix) Interlinings containing any virgin wool, or reprocessed, or reused wool of commercially spinnable length made from cloth woven after 12:01 A. M., April 9, 1942.

(2) Sell or deliver at one unit price any articles of feminine apparel which cannot be purchased from manufacturers at one unit price, except as provided in paragraph (c).

4. Paragraph (f) (7) is amended to read as follows:

(7) With sleeves cut on the bias of a plaid material, or with wool cuffs on sleeves, or inside sleeve facings exceeding 2 inches.

5. Paragraph (f) (9) is amended to read as follows:

(9) With fur trimmings with a wool cloth lining under the fur trimmings, except when the wool under the fur is an integral part of the body of the coat.

6. Paragraph (g) (1) (ii) is amended to read as follows:

(ii) A two-piece dress with a jacket or a top that is longer than 25 inches from the nape of the neck to the end of the finished jacket for a size 16; other sizes in accordance with Schedule B attached hereto.

7. Paragraph (g) (2) (iii) is amended to read as follows:

(iii) A two-piece dress with a jacket or top that is longer than 25 inches from the nape of the neck to the end of the finished jacket for a size 16; other sizes in accordance with schedule B attached hereto.

8. Paragraph (h) (1) (iv) is amended to read as follows:

(iv) With a skirt of wool cloth weighing 9 ounces or less per yard, exceeding 28 inches in length and 72 inches in sweep, or of fabric other than wool exceeding 28 inches in length and 78 inches in sweep for size 16; other sizes in accordance with schedule P attached hereto.

9. Paragraph (h) (2) (ii) is amended to read as follows:

(ii) A jacket with bi-swing, vent in back, pleat back, Norfolk style, or with a belt, except a two-piece back with a belt attached on in such a way that there is no overlay of wool cloth on wool cloth greater than one-half inch on the upper and lower side of the belt.

10. Paragraph (h) (2) (iv) is amended to read as follows:

(iv) A jacket with sleeves cut on the bias of a plaid material, or with wool cuffs on sleeves, or inside sleeve facings exceeding 2 inches.

11. Paragraph (h) (4) (vi) is amended to read as follows:

(vi) Any slacks, riding breeches, jodhpurs, ski pants, play suits, overalls, or coveralls with a cuff.

12. Paragraph (h) (5) (ii) is amended to read as follows:

(ii) A blouse with more than one patch pocket.

13. Paragraph (i) (2) (vii) is amended to read as follows:

(vii) With sleeves cut on the bias of a plaid material, or with wool cuffs on sleeves, or inside sleeve facings exceeding 2 inches.

14. Paragraph (i) (2) (viii) is amended to read as follows:

(viii) With fur trimmings with a wool cloth lining under the fur trimmings except when the wool under the fur is an integral part of the body of the coat.

15. Paragraph (i) (3) (v) is amended to read as follows:

(v) A jacket with bi-swing, vent in back, pleat back, Norfolk style, or with a belt, except a two-piece back with a belt stitched on in such a way that there is no overlay of wool cloth on wool cloth greater than one-half inch on the upper and lower side of the belt.

16. Paragraph (i) (3) (vii) is amended to read as follows:

(vii) A jacket with bias cut sleeves of plaid material or with wool cuffs on sleeves, or with inside sleeve facings exceeding 2 inches.

17. Paragraph (i) (5) (vi) is amended to read as follows:

(vi) Any slacks, riding breeches, jodhpurs, ski pants, play suit, overalls, or coveralls with a cuff.

18. Schedule P is amended to read as follows:

Maximum measurements for suit skirts

SCHEDULE P

Misses' sizes	10	12	14	16	18	20
Length including waistband	26¾	27½	27¾	28	28½	28½
Sweep, wool cloth more than 9 oz	60	61	62½	64	65½	67
Sweep, wool cloth not more than 9 oz	68	69	70½	72	73½	75
Fabrics, other than wool	74	75	76½	78	79½	81
Hem	2	2	2	2	2	2

Junior misses' sizes	9	11	13	15	17	19
Length including waistband	26	26¾	27	27¼	27½	28
Sweep, wool cloth more than 9 oz	60	61	62½	64	65½	67
Sweep, wool cloth 9 oz. or less	68	69	70½	72	73½	75
Fabrics, other than wool	74	75	76½	78	79½	81
Hem	2	2	2	2	2	2

Women's regular sizes	36	38	40	42	44	46	48	50	52
Length including waistband	28¾	29	29¼	29½	29¾	29¾	30	30	30
Sweep, wool cloth more than 9 oz	66	68	70	72	74	76	78	80	82
Sweep, wool cloth 9 oz. or less	72	74	76	78	80	82	84	86	88
Fabrics, other than wool	78	80	82	84	86	88	90	92	94
Hem	2	2	2	2	2	2	2	2	2

This amendment shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec 2 (a), Pub. Law, 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3487; Filed, April 20, 1942; 11:59 a. m.]

PART 1193—BAG OSNABURG AND BAG SHEETINGS

LIMITATION ORDER NO. L-99

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of bag osnaburg and bag sheetings for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1193.1 *Limitation order L-99*—(a) *Applicability of Priorities Regulation 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Bag Osnaburg" means cotton osnaburg in the constructions listed below, including pro rata widths of like count and weight not less than 30" wide:

40" 40/28 2.05 yd.
36" 40/28 7 oz.
36" 32/28 2.85 yd.
40" 32/28 3.55 yd.
30" 40/30 7 oz.

(2) "Bag Sheetings" means cotton sheetings in the constructions listed below, including pro rata widths of like count and weight not less than 30" wide:

36" 48/48 2.85 yd.
40" 48/48 2.85 yd.
40" 48/44 3.75 yd.
40" 48/44 3.25 yd.
37" 48/48 4.00 yd.
40" 44/40 4.25 yd.
31" 48/48 5.00 yd.

(3) "Conversion" shall mean the change of production of a loom from a fabric on which it was operating on February 28, 1942, to the production, at the rate of at least 120 hours weekly or its equivalent, of another designated fabric.

(c) *Restriction on the use of raw cotton.* After the date as of which this Order requires any conversion to be made, unless and until a person required to convert shall be manufacturing or otherwise obtaining sufficient cotton yarn, of suitable sizes and quality, for him to carry out such conversion, he shall not manufacture from raw cotton any cotton yarn to be used for any other purpose.

(d) *Conversions to bag osnaburg.* All persons owning or controlling looms on the effective date of this Order, which on February 28, 1942, were operating on any of the fabrics hereinafter mentioned in this paragraph, shall arrange for the conversion of such looms to the manufacture of whichever construction or constructions of bag osnaburg listed in paragraph (b) (1) of this Order may be specified by the Director of Industry Operations. In the absence of such specifications, such person shall convert to the manufacture of such construction or constructions which will in the judgment of such person fill the defense orders for such fabrics placed with him to the maximum extent possible consistent with effecting the maximum total yardage output and running on constructions best suited to the productive machinery of the mill in which the conversion is ordered. Such conversions shall be of the following percentages of such looms and shall be completed within the respective periods of time specified below:

(1) 20% of all looms operating on Bed Tickings, to be completed within 45 days from the effective date of this Order.

(2) 20% of all looms operating on Cottonades and Suiting Coverts, to be completed within 45 days from the effective date of this Order.

(3) 20% of all looms operating on Colored Yarn Suitings (other than Cottonades, Suiting Coverts and Whipcords), to be completed within 60 days from the effective date of this Order.

(4) 20% of all looms operating on Denims, to be completed within 45 days from the effective date of this Order.

(5) 20% of all looms operating on Pin Stripes, Pin Checks, Hickory Stripes, etc., to be completed within 45 days from the effective date of this Order.

(6) 25% of all looms operating on plain or Dobby, all cotton and cotton warp, Drapery, Upholstery and Tapestry Fabrics, to be completed within 45 days from the effective date of this Order.

(7) 20% of all looms operating on Turkish and Terry Woven Towels and Toweling, to be completed within 45 days from the effective date of this Order.

(8) 20% of all looms operating on Huck, Damask and Jacquard Woven Towels and Toweling, to be completed within 45 days from the effective date of this Order.

(9) 100% of all looms operating on osnaburg of any construction, to be completed within 30 days from the effective date of this Order.

(e) *Conversions to bag sheetings.* All persons owning or controlling looms on the effective date of this Order, which on February 28, 1942, were operating on any of the fabrics hereinafter mentioned in this paragraph, shall arrange for the conversion of such looms to the manufacture of whichever construction or constructions of bag sheetings listed in paragraph (b) (2) of this Order, may be specified by the Director of Industry Operations. In the absence of such specifications, such person shall convert to the manufacture of such construction or constructions which will in the judgment of such person fill the defense orders for such fabrics placed with him to the maximum extent possible consistent with effecting the maximum total yardage output and running on constructions best suited to the productive machinery of the mill in which the conversion is ordered. Such conversions shall be of the following percentages of such looms and shall be completed within the respective periods of time specified below:

(1) 40% of all looms operating on Outing Flannels, to be completed within 60 days from the effective date of this Order.

(2) 40% of all looms operating on all other Napped Fabrics except Canton Flannels, Work Shirt Flannels and Blankets, to be completed within 60 days from the effective date of this Order.

(3) 40% of all looms operating on Soft-Filled Sheetings For Napping to be completed within 60 days from the effective date of this Order.

(4) 50% of all looms operating on Class C Sheetings, to be completed within 45 days from the effective date of this Order.

(5) 100% of all looms operating on Class A and Class B Sheetings, to be completed within 30 days from the effective date of this Order.

(f) *Distribution of bag osnaburg and bag sheetings.* All bag osnaburg and bag sheetings hereafter produced or now owned by producers shall be sold and delivered only upon defense orders, or as specifically authorized by the Director of Industry Operations.

(g) *Exception for mills operating on purchased yarn.* Under this Order no person shall be compelled to convert any loom if such person, on the effective date of this Order, is operating looms affected by this Order 100% on yarn purchased from any other person not controlling, controlled by, or under direct or indirect common control with such person.

(h) *Prohibition against changing over looms converted by this Order.* Unless specifically authorized to the contrary by the Director of Industry Operations, or until the cancellation of this Order, no person shall manufacture any fabrics other than those specified in paragraphs (b) (1) or (b) (2) above, on that percentage of his looms converted by this Order (or upon looms previously converted to such fabrics, which conversion has by appropriate appeal hereunder been deemed to be compliance with the conversion ordered hereunder), notwithstanding any preference ratings served upon him or the provisions of Priorities Regulation No. 1.

(i) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(j) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and

complete records concerning inventories, production and sales.

(k) *Appeal.* Any person affected by this Order who considers that compliance therewith would:

(1) Work an exceptional and unreasonable hardship upon him;

(2) Result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of bag osnaburg or bag sheetings (as defined in paragraphs (b) (1) and (b) (2) above) made available;

(3) Be impossible, either in whole or in part, due to machinery limitations;

(4) Be unnecessary because of conversion of looms by such person to the manufacture of bag osnaburg or bag sheetings prior to the effective date of this Order, but subsequent to October 1, 1941;

(5) Prevent the making of required deliveries under defense orders bearing a preference rating of A-2 or better;

(6) Disrupt or impair a program of conversion from nondefense to defense work;

may appeal in writing to the War Production Board, Reference L-99, setting forth all the pertinent facts, including a complete statement as to the type of machinery operated by him and the source of all defense orders placed with him. Such appeal shall specifically refer to the provisions of this paragraph under which it is filed. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(l) *Communications to the War Production Board.* All communications concerning this Order, or any reports required to be filed hereunder, shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C., Reference L-99."

(m) *Violations.* Any person who wilfully violates any provision of this Order or who wilfully furnishes false information to the Director of Industry Operations in connection with this Order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(n) *Effective date.* This Order shall take effect immediately as to all persons having notice thereof and, as to all other persons, on the date of recording in the FEDERAL REGISTER. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3491; Filed, April 20, 1942; 12:00 m.]

PART 1195—BENZENE

CONSERVATION ORDER M-137

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Benzene for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense;

§ 1195.1 *Conservation order M-137*—(a) *Definitions.* (1) "Benzene" means the chemical compound known by that name or by the name benzol.

(2) "Motor Fuel" means fuel for use in internal combustion engines, but does not include aviation fuel with octane numbers higher than 87 ASTM.

(b) *Restrictions on use.* Hereafter no person shall (1) Use or consume Benzene, or any blend or mixture containing added Benzene, in the manufacture or preparation of Motor Fuel;

(2) Use or consume Benzene unmixed with gasoline as a fuel for any motor vehicle;

Provided, however, That any producer or distributor of motor fuel may within the period of thirty (30) days from the date of issuance of this Order use Benzene owned by him on such date of issuance in the manufacture or preparation of motor fuel in an amount not exceeding one-sixth (⅙) of the Benzene used by him in such manufacture or preparation during the three (3) months ending March 31, 1942.

(c) *Restrictions on delivery.* No person shall sell or deliver, and no person shall buy or accept delivery of Benzene or any blend or mixture containing added Benzene if he knows or has reason to believe that it is to be used in violation of paragraph (b) hereof.

(d) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Violations or false statements.* Any person who wilfully violates any provision of this Order or who wilfully furnishes false information to the Director of Industry Operations in connection with this Order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(3) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-137

(5) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 20th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3485; Filed, April 20, 1942; 11:59 a. m.]

Chapter XI—Office of Price Administration

PART 1309—COPPER

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 15 [1]—COPPER

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Paragraphs (b) and (e) of § 1309.60 are hereby amended and a new § 1309.59a is hereby added to read as follows:

§ 1309.60 *Appendix A: Maximum prices.*

* * * * *

(b) *Maximum base prices for casting copper.*

Amount of shipment	*Price (f. o. b. shipping point)*
20,000 pounds or more	11¾¢ per pound
Less than 20,000 pounds	12¢ per pound

These maximum base prices are for casting copper in the shape of ingot bars or small ingots made by fire refining to a standard of 99.5 per cent pure including silver as copper.

* * * * *

(e) *Premiums on sales and deliveries of copper in less than carload lots by other than refiners or producers.* (1) On sales and deliveries of copper from a warehouse in less than carload lots

[1] 7 F.R. 1237.

[2] The statement of considerations has been filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

by other than refiners or producers, the maximum price f. o. b. shipping point shall be the sum of the following factors:

(i) The maximum base price for carload shipments set forth in paragraph (a) of this section;

(ii) The applicable kind or grade and shape or form differentials provided in paragraph (c) of this section:

(iii) The applicable delivery differentials set forth in paragraph (d) of this section; and

(iv) The applicable one of the following quantity premiums:

Quantity	*Price per pound*
0–499 pounds	2¢
500–999 pounds	1½¢
1000–4999 pounds	1¢
5000 pounds to carload	¾¢

The premiums provided in this subparagraph do not apply to casting copper.

(2) On sales and deliveries of casting copper by The Cincinnati Railway Supply Company, Cincinnati, Ohio, from its warehouse in Cleveland, Ohio, in less than carload lots, the maximum price f. o. b. shipping point shall be the sum of the following factors:

(i) The maximum base price for shipments of 20,000 pounds or more set forth in paragraph (b) of this section;

(ii) The applicable kind or grade and shape or form differentials provided in paragraph (c) of this section;

(iii) The actual freight per pound paid by The Cincinnati Railway Supply Company from the refinery to its warehouse; and

(iv) The applicable one of the following quantity premiums:

Quantity	*Price per pound*
0–4999 pounds	1¢
5000 pounds to carload	¾¢

§ 1309.59a *Effective dates of amendments.* (a) Amendment No. 1 (paragraphs (b) and (e) of § 1309.60 and § 1309.59a) to Revised Price Schedule No. 15 shall become effective as of April 6, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 16th day of April, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–3444; Filed, April 17, 1942; 5:06 p. m.]

PART 1337—RAYON

REVISED PRICE SCHEDULE NO. 23 AS AMENDED—RAYON GREY GOODS

Correction

The fabric number and type for the first item in the table for Satins appearing on page 2902 of the issue for Saturday, April 18, 1942, should read "3—205" instead of "2—205".

PART 1340—FUEL

AMENDMENT NO 7 TO REVISED PRICE SCHEDULE 88 [1]—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

A new paragraph (g) is added to § 1340.158a, subdivision (ii) of § 1340.159 (c) (1) is redesignated (*a*), and the headnote *North and North Central Texas and Oklahoma* of § 1340.159 (c) (1) is designated (ii) thereof and § 1340.159 (c) (1) *Louisiana* is amended to read as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.*

* * * * *

(c) *Specific prices.* * * *

(1) *Crude petroleum*—(i) *Pennsylvania grade.* * * *

(*a*) * * *

(ii) *North and North Central Texas and Oklahoma.* * * *

(iii) *Louisiana.* (*a*) The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in the Caddo Pool in Louisiana shall be $1.20 per barrel with the customary differentials for lower gravity crudes.

(*b*) The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in any pool in Ritchie Field, Acadia Parish, Louisiana, shall be $1.48 per barrel with the customary differentials for lower gravity crudes.

§ 1340.158a *Effective dates of amendments.*

* * * * *

(g) Amendment No. 7 (§§ 1340.158a (g), § 1340.159 (c) (1) to Revised Price Schedule No. 88 shall become effective April 23, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 7.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–3459; Filed, April 18, 1942; 12:50 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 50 [3]—GREEN COFFEE

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Two new §§ 1351.1b and 1351.9 are added, as set forth below.

§ 1351.1b *Sales in Puerto Rico.* Sales in the Territory of Puerto Rico shall be excepted from the operation of Revised Price Schedule No. 50.

§ 1351.9 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.1b and 1351.9) to Revised Price Schedule No. 50 shall become effective April 21, 1942. Until such date, Revised Price Schedule No. 50 continues in effect as if not amended by Amendment No. 1.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–3460; Filed, April 18, 1942; 12:51 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 5 TO REVISED TIRE RATIONING REGULATIONS—TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.205, 1315.605 (a), 1315.606, 1315.702, 1315.703, 1315.704 and 1315.705 are amended to read as follows: a new paragraph (c) is added to § 1315.604, and the three paragraphs of § 1315.701 are designated (a), (b) and (c) respectively, and a new paragraph (d) is added; and four new sections, §§1315.404a, 1315.603a, 1315.610a and 1315.803a are added, as set forth below:

Organization

* * * * *

§ 1315.205 *Jurisdiction of boards.* Each Board shall have jurisdiction over all vehicles garaged or normally stationed in the area which it has been designated to serve: *Provided, however,* That in certain instances it may act with respect to vehicles normally located outside its jurisdiction subject to the provisions of § 1315.603a and paragraph (b) of § 1315.604 of these Revised Regulations.

Tires and Tubes for Vehicles Eligible Under List A

* * * * *

§ 1315.404a *Eligibility of List A vehicles for emergency stocks of tires and tubes.* (a) Anything in these revised Regulations to the contrary notwithstanding, the Board may issue emergency or regular certificates to enable any person who owns, operates, or controls a vehicle or vehicles which meet the requirements of paragraph (b) of this section to establish an emergency reserve or to maintain an allowable stock of tires and tubes for such vehicle or vehicles.

(b) An applicant must establish:

(1) That all vehicles other than passenger automobiles which he owns or operates or which are subject to his control are employed exclusively for one or more of the purposes specified in paragraphs (c) to (h) of § 1315.405;

(2) That the vehicle or vehicles are eligible under § 1315.405 (List A);

(3) That over 50% of the vehicle's mileage results from regular operations in runs of more than fifty miles from the closest source controlled by the applicant at which tires and tubes are available for his immediate use, and more than fifty miles from the place where such vehicle is garaged or normally stationed;

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[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

[3] 7 F.R. 1305, 1836, 2132.

(4) That the vehicle or vehicles are owned by a State, or are owned or operated by an operator of motor vehicles who has a certificate of public convenience and necessity, as a common carrier, issued by the Interstate Commerce Commission, or by an operator of motor vehicles who has a permit as a contract carrier issued by the Interstate Commerce Commission.

(i) An Interstate Commerce Commission certificate or permit holder may apply only for those trucks and busses which he owns.

(ii) An owner of trucks and busses who is not an Interstate Commerce Commission certificate or permit holder may apply for an emergency reserve of tires and tubes based only on those trucks and busses which are under a six months' or longer lease arrangement for exclusive use by an Interstate Commerce Commission certificate or permit holder.

(5) That the total of the tires and tubes in his possession which are or which can be used on vehicles used, or capable of being used for List A purposes, excluding tires on running wheels and one spare of a given size for each vehicle eligible under § 1315.405 amount to less than 10% of the running wheels on those of his vehicles which satisfy the requirements of this paragraph.

(i) For the purposes of this computation a dual wheel is to be treated as two wheels.

(ii) An applicant who has increased the number of his eligible vehicles may apply to the Board for an emergency reserve of tires and tubes based on the increase in the number of his vehicles. There is no requirement to trade in or sell any tire or tube because of the increase in his allowable stock of tires and tubes since this is not a replacement but an addition to his stock.

(c) An applicant who has been found by a Board to be entitled to an emergency reserve of tires and tubes under paragraph (b) of this section may apply for authorization to purchase a new tire or tube, a retreaded or recapped tire, or retreading or recapping services in order to replenish his allowable stock of tires and tubes. The Board may issue to such applicant at his election, either regular certificates on O.P.A. Form No. R–8 for retreaded or recapped tires or retreading or recapping services, or emergency certificates on O.P.A. Form No. R–20 for new tires and tubes. Separate certificates must be issued for tires and tubes. Whichever type of certificate the applicant elects to receive, he must present, in addition to meeting all the requirements of paragraph (b) of this section, a certification by an inspector on O.P.A. Form No. R–21 for each tire or tube to be replaced under the certificate for which application is made. If the applicant elects to take a regular certificate or certifiates on O.P.A. Form No. R–8, he must conform to the trade-in requirements of §§ 1315.402 (c) (5), 1315.404 (c) (4) or 1315.501 (d) (4). If the applicant elects to take an emergency certificate or certificates, he must at the time his application is filed or at any time prior to the tme the certificate is delivered to him, deliver to the Board a proof of sale on O P.A. Form No. R–22 for each tire and tube to be replaced under the certificate for which application is made.

* * * * *

Application for Certificates

* * * * *

§ 1315.603a *Application for authority to establish an emergency reserve of tires and tubes.* (a) Any person who believes that he is eligible for an emergency reserve of tires and tubes under § 1315.404a, may file with the Board having jurisdiction over the area in which his principal business office is located, or in the case of a State, in which its seat of government is located, an application for authorization to purchase tires and tubes (O.P.A. Form No. R–19) to establish an emergency reserve as provided in § 1315.404a.

(b) Any person who has been found by a Board to be entitled to an emergency reserve of tires and tubes under § 1315.404a must file with the same Board on O.P.A. Form No. R–19 all subsequent applications for authorization to purchase a new tire or tube, retreaded or recapped tire, or retreading or recapping services to maintain his allowable stock of tires and tubes.

§ 1315.604 *Jurisdiction of boards.*

* * * * *

(c) Application to establish an emergency reserve or to maintain an allowable stock of tires and tubes under § 1315.603a shall be filed only with the Board having jurisdiction over the area in which the applicant's principal business office, or in the case of a State, in which its seat of government is located. All such application shall be made on O.P.A. Form No. R–19.

§ 1315.605 *Preparation of application.* (a) Copies of O.P.A. Form No. R–1 and O.P.A. Form No. R–1A will be distributed and can be obtained from Local Rationing Boards, tire dealers, police stations and post offices. O.P.A. Form No. R–1 and O.P.A. Form No. R–1A may be reproduced by any person provided that no change is made in the size, style, and content thereof. Copies of O.P.A. Form No. R–19 may be obtained from Local Rationing Boards.

* * * * *

§ 1315.606 *Inspection.* (a) Except when application is being made for authorization to purchase new tires and tubes, or retreaded or recapped tires, to establish an emergency reserve or to maintain an allowable stock of tires and tubes pursuant to § 1315.603a, no application for authority to purchase new tires or tubes, retreaded or recapped tires, or retreading or recapping services shall be filed until an inspection of the tires or tubes already on the vehicle shall have been made by an inspector duly authorized by a Board to make such inspection. Inspection of tubes on such vehicle may be limited to the tube or tubes which the applicant seeks authority to replace by the purchase of a new tube or tubes.

(b) No inspection of tires and tubes is required to establish or increase an emergency reserve of tires and tubes when application is made pursuant to § 1315.603a. An applicant who has been found by a Board to be entitled to an emergency reserve of tires and tubes as permitted by § 1315.404a, must have the tires and tubes which are to be replaced inspected by an inspector duly authorized by a Board, prior to the time he files an application for replenishment of his allowable stock. Such inspection of tires or tubes need not be made on any vehicle. An applicant shall file with each application for replenishment of his allowable stock of tires and tubes O.P.A. Form No. R–21, "Certification By Inspector" for each tire and tube to be replaced.

(1) Since an applicant who applies for an original allotment of tires and tubes to establish or increase an emergency reserve is not replacing any tires or tubes but is only adding to his reserve, there are no tires or tubes to be inspected. However, when the applicant files an application to replenish his allowable stock of tires and tubes, he must have the tires and tubes which he is replacing inspected and must file an inspector's certification that they are no longer serviceable.

(c) The inspector shall fill in all the information and facts required in the "Certification By Inspector" which is a part of O.P.A. Form No. R–1 or O.P.A. Form No. R–21 and shall certify the information and facts provided in the certification by signing his name thereto. The applicant shall not pay any compensation to the inspector for such inspection: *Provided*, That the sums set forth in the following schedule may be paid the inspector, or any other person, for the service of removing and replacing a tire if same is required for purposes of inspection, although not for the service of inspecting the tire:

Schedule of fees for removing and replacing tires

Type of tire	*Fee*
1. Passenger car tires, each	$0.50
2. Small truck tires (7.50 x 20 or smaller), each	.75
3. Large truck tires (larger than 7.50 x 20), each	1.00
4. Additional charge for removing inside dual truck tires (larger than 7.50 x 20)	.50

* * * * *

§ 1315.610a *Allotment by the Board upon application to establish or maintain an emergency reserve of tires and tubes.* (a) An applicant who applies for authorization to purchase tires and tubes for an emergency reserve and who has been found by the Board to be entitled to such emergency reserve under § 1315.404a, shall be granted one or more certificates, at the option of the applicant, for the purchase of the number of tires and tubes necessary to establish or maintain an emergency reserve equivalent to 10% of the running wheels, excluding one spare of a given size per vehicle, on vehicles of the applicant which satisfy the requirements of paragraph (b) of § 1315.-

404a. No one certificate shall be issued authorizing the purchase of both tires and tubes.

(b) Emergency certificates for new tires and tubes and certificates for retreaded or recapped tires which are granted on the basis of an appplication on O.P.A. Form No. R–19 filed prior to May 15, 1942, shall not be charged against the Board's monthly quota. Any certificates granted on the basis of an application on O.P.A. Form No. R–19 filed after May 15, 1942, shall be charged against the Board's applicable quota of tires and tubes for the month in which the certificates are granted.

Tire and Tube Certificates

§ 1315.701 *Notification.*

* * * * *

(d) (1) In cases where the Board authorizes an applicant, eligible under § 1315.404a to establish or increase an emergency reserve of tires and tubes, the Board shall immediately issue to such applicant one or more non-transferable certificates, for the number of tires and tubes to which the applicant is entitled, on O.P.A. Form No. R–20 in any combination of tires and tubes that the applicant desires, or on O.P.A. Form No. R–8 for retreading or recapping services only.

(2) In cases where the Board authorizes an applicant eligible under § 1315.-404a, to replenish his supplies in order to maintain his allowable stock of tires and tubes, the Board shall immediately issue to such applicant the number of certificates to which he is entitled. These certificates may be issued on O.P.A. Form No. R–20 for new tires and tubes, or on O.P.A. Form No. R–8 for retreaded or recapped tires or retreading or recapping services, and may be in any combination of tires or tubes that the applicant desires.

§ 1315.702 *Form of certificates.* (a) O.P.A. Form No. R–2, the nontransferable certificate for the purchase of new tires or tubes, O.P.A. Form No. R–8, the nontransferable certificate for the purchase of retreaded or recapped tires or retreading or recapping services, and O.P.A. Form No. R-20, the nontransferable emergency certificate, shall each be serially numbered and shall be divided into four parts each bearing the same serial number: (1) a part to be retained by the dealer as a record which shall be designated as part A; (2) a part to be used by the dealer as the basis of replenishing his reserve which shall be designated as part B; (3) a part to be forwarded by the dealer to the Board which has issued the certificate which shall be designated as part C; (4) a part to be given by the dealer to the purchaser which shall be designated as part D.

§ 1315.703 *Execution by issuing board.* It shall be the responsibility of the Board, prior to issuing any certificate, to fill in part A and part B of the certificate setting forth the information required, except that the item on O.P.A. Form No. R–20 which calls for the specification of the sizes of the tires or tubes to be purchased, need not be filled in unless requested by the applicant. It shall also be the responsibility of the Board to indicate on parts C and D of the certificate issued, the number of the Board and its address. No certificate will be valid unless part A is signed by two members of the issuing Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant or his agent to sign the certificate in the presence of a member or the clerk of the Board. When all of the foregoing steps have been taken by the issuing Board, the Board shall deliver the certificate to the applicant or his agent.

§ 1315.704 *Action by purchaser.* (a) Upon receiving a certificate so executed, the applicant may purchase the new tires, new tubes, retreaded or recapped tires, or retreading or recapping services for the tires specified upon the certificate from any authorized seller at a price not in excess of the maximum price established by the Office of Price Administration. An applicant receiving either O.P.A. Form No. R–2 or O.P.A. Form No. R–8 must purchase such tires or tubes as are specified on his certificate within thirty (30) days of its issuance. An applicant receiving O.P.A. Form No. R–20 may use his certificate at any time to purchase the retreading or recapping services or the number of tires or tubes specified thereon.

(b) An applicant who has been issued a nontransferable certificate O.P.A. Form No. R–2, must present to the authorized seller all parts of such certificate, in the form in which it was given to him by the issuing Board.

If the purchase is made from an authorized seller other than a mail-order house, the applicant must at the time of presenting the certificate, deliver in trade to the authorized seller the tires or tubes which are to be replaced by the new tires or tubes which he is purchasing. If the purchase is made by mail from a mail-order house, the applicant, within five (5) days after receiving the new tires or tubes, must sell the replaced tires or tubes to a dealer in tires and file O.P.A. Form No. R–3, with the Local Rationing Board which issued the certificate.

The requirements of this paragraph (b) with respect to the trading in of tires and tubes, do not apply if the applicant can establish to the satisfaction of the Board that he has no tires or tubes to turn in because they have been stolen, or if the applicant is a Government agency forbidden by law to make such disposition of Government property, or for similar reasons, or if the applicant purchases a spare for a new vehicle which was acquired by him without a spare as a part of its original equipment.

(c) An applicant who has been issued a nontransferable certificate on O.P.A. Form No. R–8 must present to the authorized seller all parts of such certificate in the form in which it was given to him by the issuing Board. The applicant must trade in the tires which are to be replaced by the retreaded or recapped tires which he is purchasing in accordance with the applicable provisions of paragraph (b) of this section. If the applicant is purchasing only retreading or recapping services for tires he need not deliver to the authorized seller any other tires than those which he desires to have retreaded or recapped.

(d) An applicant who has been issued a nontransferable emergency certificate, O.P.A. Form R–20, must present to the authorized seller all parts of such certificate in the form in which it was given to him by the issuing Board, except that he is authorized to enter on parts A and B thereof the items calling for the sizes of the tires and tubes to be purchased, if such items were left blank by the issuing Board.

(e) If the purchaser is unable to buy from one authorized seller all of the new tires, new tubes, retreaded or recapped tires, or retreading or recapping services which he has been authorized to purchase by a nontransferable certificate, on O.P.A. Form No. R–2, O.P.A. Form No. R–8 or O.P.A. Form No. R–20, he may return the certificate to the issuing Board and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several authorized sellers.

§ 1315.705 *Action by authorized seller other than mail-order house.* Prior to delivering a new tire, new tube, or retreaded or recapped tire pursuant to a certificate, surrendered to him, an authorized seller, other than a mail-order house shall require the purchaser or the purchaser's agent to sign his name in the space provided for this purpose on part C of the certificate. If the signature appears to be executed by a proper person, an authorized seller or his authorized agent, shall, in the presence of the purchaser or the purchaser's agent fill in the items in part A, part C, and part D which have not been completed by the issuing Board. The authorized seller shall retain part A of the certificate as his permanent record in accordance with the record-keeping provisions of the Revised Tire Rationing Regulations of this part. The authorized seller shall retain part B of the certificate, which he may use as the basis for replenishing his reserve. The authorized seller shall complete and return part C to the issuing Board within three (3) days from the date of delivery of the tires or tubes. Part D shall be given by the authorized seller to the purchaser, who shall retain it as a permanent record in accordance with the record-keeping provisions of the Revised Tire Rationing Regulations.

No authorized seller shall deliver a new tire, new tube, or retreaded or recapped tire, except where the purchaser supplied the carcass to be retreaded or recapped or is otherwise excused as provided in paragraphs (b) and (c) of §§ 1315.704 and 1315.603a to persons holding a certificate on either O.P.A. Form No. R–2 or on O.P.A. Form No. R–8, except upon receiving the used tire or tube replaced by the purchase, and no such delivery shall be made at a price in excess of the maximum price established by the Office of Price Administration.

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires, and Camelback

* * * * *

§ 1315.803a *Permitted and prohibited uses of tires and tubes on List A vehicles.* (a) The owner or operator of a vehicle who has been granted a certificate for tires or tubes for such vehicle, on an application certifying that the vehicle was engaged in one or more of the uses specified in paragraphs (a) to (h) of § 1315.405 (List A), shall continue to employ such vehicle for the same use, or for another use which has been found by a Board upon his application to come within List A.

(b) No person may mount a tire or tube which he purchased under a certificate issued to him for a vehicle or vehicles employed in one or more of the uses specified in paragraphs (a) to (h) of § 1315.405 (List A) on any other vehicle which he owns, operates or controls, unless the vehicle to which the tire or tube is transferred, is employed in the same List A use or in another use which has been found by a Board upon his application to come within List A.

* * * * *

§ 1315.1199a *Effective dates of amendments.*

* * * * *

(e) Amendment No. 5 (§§ 1315.205, 1315.404a, 1315.603a, 1315.604, 1315.605 (a), 1315.606, 1315.610a, 1315.701, 1315.702, 1315.703, 1315.704, 1315.705 and 1315.803a) to Revised Tire Rationing Regulations of this part shall become effective April 22, 1942.

(Pub. Law 421, 77th Cong., OPM Sup. Order No. M–15–c, WPB Directive No. 1, Sup. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 20th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–3497; Filed, April 20, 1942; 12:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 6 TO REVISED TIRE RATIONING REGULATIONS [1]—TIRES AND TUBES, RETREADED AND RECAPPED TIRES, AND CAMELBACK

In § 1315.405, (d) (5) is revoked and the text thereof incorporated in (c), which is amended and other paragraphs (e), (f) (5) (ii) are amended to read as follows and § 1315.504 (a) (7) is revoked:

Tires and Tubes for Vehicles Eligible Under List "A"

* * * * *

§ 1315.405 *Eligibility classification: List A.*

* * * * *

(c) A vehicle operated principally for one of the following purposes:

(1) An ambulance.

(i) No certificate shall be issued under this paragraph (c) (1) for any vehicle which is not specially designed and equipped for the transportation of sick or injured persons; but the fact that a vehicle so designed and equipped is used incidentally as a hearse or for other purposes shall not render it ineligible for a certificate.

(2) To maintain mail services.

(i) The boards may issue certificates for vehicles to be used principally, but not exclusively, for the transportation of mail by or on behalf of the United States, including transportation of mail by private persons under an appointment by or a contract with the United States.

* * * * *

(e) A vehicle operated exclusively for one or more of the following purposes:

(1) Transportation of passengers as part of the services rendered to the public by a regular transportation system.

(i) Certificates may be issued under this paragraph (e) (1) only for vehicles performing necessary transportation service along regular routes or with regular schedules, from which the general public may obtain service upon payment of a standard fare.

(ii) No certificate shall be issued under this paragraph (e) (1) for a vehicle used for sightseeing trips or similar excursions.

(iii) No certificate shall be issued under this paragraph (e) (1) for a vehicle on which the general public cannot obtain transportation, except as provided in paragraphs (e) (2) and (e) (3).

(iv) Nothing herein contained shall prevent the use of vehicles which are part of a regular transportation system to transport to and from Army and Navy establishments, military or naval personnel, or persons participating in organized recreational activities at military or naval establishments, where other means of transportation are not available, provided such transportation is furnished on written request to the operator of the vehicle by the commanding officer of such establishment.

(2) Transportation of students and teachers to or from school.

(i) Certificates shall be issued under this paragraph (e) (2) only for school busses. A school bus will not lose its character as such because it is used to transport other employees of the school as well as teachers.

(ii) No vehicle equipped with tires or tubes for which certificates have been granted shall be used for excursions of any character. Transportation shall be provided only from the homes of students and teachers or from regular school-bus stops to the regular places of instruction.

(iii) Any vehicle having a capacity of less than 10 passengers shall be eligible under this paragraph only if such vehicle is licensed to transport school children or is operated for such purpose under a contract with the appropriate governmental agency.

(3) Transportation of employees to or from any industrial or extractive establishment, power generation or transmission facilities, transportation or communication facilities, construction project, or farm, except when public transportation facilities are readily available.

(i) No vehicle shall be eligible under this paragraph unless it has a capacity of 10 or more passengers.

(ii) Certificates shall be issued under this paragraph (e) (3) only for busses used to transport workers to places of employment (including farms, factories, canneries, mines, lumber camps, oil wells, etc.) which cannot practicably be reached by means of transportation available to the public. No certificate shall be issued where the workers can practically reach the place of employment, or go from place to place while on the job, by using public transportation facilities.

(iii) The boards may issue certificates under this paragraph (e) (3) where, although public transportation facilities exist, such facilities are unreliable or use of such facilities consumes an inordinate amount of time essential to uninterrupted production.

* * * * *

(f) (5) (ii) No truck equipped with tires or tubes for which a certificate has been issued under this paragraph shall be used to deliver commodities to a consumer for personal, family, or household use, whether from a department store, grocery store, similar retail sales outlet, or otherwise, except as such delivery can be made in conjunction with and incidentally to eligible uses without diverting the truck from its normal route or schedule.

§ 1315.1199a *Effective dates of amendments.*

* * * * *

(f) Amendment No. 6 (§§ 1315.405 (c), 1315.405 (d) (5), 1315.405 (e), 1315.405 (f) (5) (ii), and 1315.504 (a) (7)) to Revised Tire Rationing Regulations of this part shall become effective April 22, 1942.

(Pub. Law 421, 77th Cong., OPM Sup. Order No. M–15c, WPB Directive No. 1, Sup. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 20th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–3493; Filed, April 20, 1942; 12:02 p. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 68 [1]—HIDE GLUE STOCK

A statement of the considerations involved in the issuance of this Amendment has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.

[1] 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633.

[1] 7 F.R. 1338, 1836, 2000, 2132, 2241.

Item 4 of paragraph (a) of § 1335.510 is amended and a new paragraph (b) is added to § 1335.509a as set forth below:

§ 1335.510 *Appendix A: Maximum prices for hide glue stock.*

(a) * * *

* * * * *

4. Limed calf trimmings. Including calf trimmings, green lined calf, but excluding limed calf cheekings.	$1.00

§ 1335.509a *Effective dates of amendments.*

* * * * *

(b) Amendment No. 2 (§§ 1335.510 (a) 4 and 1335.509a (b)) to Revised Price Schedule No. 68 shall become effective on April 25, 1942. Until such date Revised Price Schedule No. 68 continues in effect as if not amended by Amendment No. 2.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3496; Filed, April 20, 1942; 12:01 p. m.]

PART 1338—SILK AND SILK PRODUCTS

MAXIMUM PRICE REGULATION NO. 115—SILK WASTE

In the judgment of the Price Administrator, the prices of silk waste have risen and are threatening further to rise in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of silk waste prevailing between October 1 to 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator, the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Act.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 115 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 115 is hereby issued.

AUTHORITY: §§ 1338.61 to 1338.71, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1338.61 *Maximum prices for silk waste.* On and after April 20, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver silk waste and no person shall buy or receive silk waste in the course of trade or business from such seller, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1338.71; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1338.62 *Less than maximum prices.* Lower prices than the maximum prices established herein may be charged, demanded, paid or offered.

§ 1338.63 *Conditional agreements.* No seller of silk waste shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Maximum Price Regulation No. 115 is amended, or is determined by a court to be invalid, or upon any other contingency: *Provided,* That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).

§ 1338.64 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 115 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to silk waste, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1338.65 *Records and reports.* (a) Every person making a sale or purchase of silk waste in the course of trade or business, or otherwise dealing therein, after February 28, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each type and grade of silk waste purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1338.66 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 115 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 115 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1338.67 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 115 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1338.68 *Definitions.* (a) When used in this Maximum Price Regulation No. 115, the term:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Silk waste" means the types and grades of silk waste set forth in Appendix A, § 1338.71, hereof.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1338.69 *Temporary maximum price regulation No. 7; silk waste.* On the effective date provided in § 1338.70 hereof, this Maximum Price Regulation No. 115 replaces and revokes Temporary Maximum Price Regulation No. 7[1]—Silk Waste, issued by the Price Administrator. Until such date Temporary Maximum Price Regulation No. 7 remains in full force and effect as set forth in § 1338.59 thereof.[2]

§ 1338.70 *Effective date.* This Maximum Price Regulation No. 115 (§§ 1338.61 to 1338.71, inclusive) shall become effective on April 25, 1942.

§ 1338.71 *Appendix A; maximum prices for silk waste*—(a) *Imported silk waste.* The maximum prices established herein are applicable to all imported silk waste which arrived in the United States prior to February 28, 1942, but are not applicable to imported silk waste arriving in the United States on or after that date.

Imported silk waste	*Maximum price per pound*
Canton Open Waste	$0.64 ex seller's warehouse.
China Long Waste	$0.92 ex seller's warehouse.
Pierced Cocoons	$0.85 ex seller's warehouse.
Poignees	$1.85 in bond, warehouse, Port of New York.

[1] 7 F.R. 1644.
[2] 7 F.R. 1644.

(b) *Domestic silk waste.*

Domestic silk waste	Maximum price per pound, f. o. b. shipping point
Winders Waste (untwisted):	
Untinted	$0.90
Tinted	.85
Tram Waste (1–5 turns per inch)	.80
Crepe or Grenadine Waste (6 or more turns per inch)	.22
Cut Skeins	.95

Issued this 20th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3495; Filed, April 20, 1942; 12:01 p. m.]

PART 1403—PAINT PRODUCTS, PAINTERS' SUPPLIES, AND WALL COVERINGS

TEMPORARY MAXIMUM PRICE REGULATION NO. 19—OIL PAINTS AND VARNISH

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for oil paints and varnish the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 19 is hereby issued.

AUTHORITY: §§ 1403.1 to 1403.10, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1403.1 *Maximum prices for oil paints and varnish.* (a) On and after April 22, 1942, to and including June 20, 1942, regardless of any contract, agreement, or other obligation, no manufacturer shall sell or deliver oil paint or varnish and no person shall buy or receive oil paint or varnish from a manufacturer in the course of trade or business at prices higher than the maximum prices established in this section; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of oil paint or varnish to a purchaser if prior to April 22, 1942, such oil paint or varnish had been received by a carrier, other than a carrier owned or controlled by the manufacturer, for shipment to such purchaser.

(b) The maximum price for any oil paint or varnish shall be such that the cost to the purchaser from a manufacturer is not in excess of what it was or would have been to such purchaser on April 12, 1942 (upon the basis of the prices, trade, quantity and cash discounts, charges, deposits, and allowances, whether published or unpublished, then listed or quoted by the manufacturer and upon the basis of the freight and delivery practices, recognized by the manufacturer on April 12, 1942), for like quantities, types, qualities, grades, kinds, or colors of oil paint or varnish.

§ 1403.2 *Less than maximum prices.* Lower prices than those set forth in § 1403.1 hereof may be charged, demanded, paid or offered.

§ 1403.3 *Conditional agreements.* No manufacturer of oil paints or varnish shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1403.1 in the event that this Temporary Maximum Price Regulation No. 19 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1403.4 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 19 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, or delivery of or relating to oil paint or varnish alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1403.5 *Records and reports.* (a) Every person making sales or purchases subject to this Temporary Maximum Price Regulation No. 19 of oil paints or varnish after April 22, 1942, shall keep for inspection by the Office of Price Administration for a period of two years complete and accurate records of each such purchase or sale showing the date thereof, the name and the address of the buyer or seller, the price paid or received and the quantity of each type, grade, quality, kind or color purchased or sold.

(b) Persons affected by this Temporary Maximum Price Regulation No. 19, shall submit such reports to the Office of Price Administration as it may, from time to time require.

§ 1403.6 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 19 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 19 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1403.7 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 19 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1403.8 *Replacement by regulation.* Temporary Maximum Price Regulation No. 19 may be replaced by a permanent Maximum Price Regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking Temporary Maximum Price Regulation No. 19.

§ 1403.9 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 19, the term:

(1) "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other argument, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "manufacturer" means a person operating a factory or plant producing oil paints or varnish as well as any sales subsidiary or affiliate, any commission salesman, sales agent, manufacturer's representative or other manufacturer's agent.

(3) "oil paints and varnish" means all paints and varnish of which a component part is linseed oil or any other drying oil, of all types, grades, qualities, kinds and colors, including, without limiting the generality of the foregoing, house paint, wall paint, interior flat finishes, enamels (including lacquer enamel), undercoats, floor and deck paint, barn and roof paint, colors in oil, shingle stain, oil stain, fillers and varnish.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1403.10 *Effective period.* This Temporary Maximum Price Regulation No. 19 (§§ 1403.1 to 1403.10 inclusive) shall become effective April 22, 1942, and shall, unless earlier revoked or replaced, expire 12 o'clock midnight on June 20, 1942.

Issued this 17th day of April 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-3494; Filed, April 20, 1942; 12:02 p. m.]

Chapter XIII—Office of Petroleum Coordinator for National Defense

[Recommendation No. 38]

PART 1500—ADMINISTRATIVE—GENERAL

FOREIGN OPERATIONS

Correction of Section Numbers and Subtitles

Sections 1500.22 and 1500.23 of this chapter, issued March 24, 1942 (Recommendation No. 38),[1] duplicate the num-

[1] 7 F.R. 971.

[1] 7 F.R. 2638.

bers of sections theretofore issued March 4, 1942 (Recommendation No. 33, Amendment).[3] Those sections are therefore eliminated from Recommendation No. 38, and § 1500.21 of this chapter is hereby amended to read as follows:

§ 1500.21 *Meetings; coordination; expenses and contributions.* (a) Meetings of the Foreign Operations Committee, any subcommittee thereof, and representatives of the companies, and persons, designated specifically and generally in § 1500.19, or any of them, may be held from time to time for the purpose of working out the physical and contractual details and arrangements necessary to carry into effect the provisions and purposes of §§ 1500.15 to 1500.21, inclusive.

(b) The Foreign Operations Committee, the subcommittees thereof, and the companies and persons designated specifically and generally in § 1500.19 shall coordinate their activities pursuant to §§ 1500.15 to 1500.21, inclusive, with the Petroleum Supply Committee for Latin America, the British Petroleum Committee, the British Tankers Committee, and the Tanker Coordinating Board, and with such other appropriate agencies as may be established or approved by the Government of the United States or of any of its allies.

(c) Operating expenses heretofore or hereafter incurred or paid for the Foreign Operations Committee and any subcommittees thereof shall be met from a fund to which contributions may be made by companies or individuals engaged in the petroleum industry upon solicitation by the Committee.

References to § 1500.23, appearing in § 1500.17 of this chapter, are hereby changed to refer to § 1500.21.

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

APRIL 15, 1942.

[F. R. Doc. 42-3467; Filed, April 20, 1942; 9:45 a. m.]

[Recommendation No. 39]

PART 1508—MARKETING

FUEL OIL—DISTRICT ONE

To all suppliers of fuel oil in District One and in the States of Oregon and Washington:

The diversion for war and other essential purposes of a part of the American tanker fleet normally employed in transporting petroleum and petroleum products to District One and the States of Oregon and Washington, and the loss through war action of other tankers of that fleet has resulted in a shortage of transportation facilities to move the quantities of petroleum normally required in such areas

It is imperative in the national interest that all possible steps be taken to assure that the supply of fuel oil available in the aforesaid areas be used primarily to fill military, war industry, and essential civilian requirements and that it be used in filling these requirements with the greatest possible efficiency and economy.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1508.38 to 1508.41, inclusive, issued under Pres. letter to Sec. Int., 6 F.R. 2760.

§ 1508.38 *Definitions.* (a) "Person" means any individual, partnership, association, business trust corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not

(b) "Supplier" means any person who sells or delivers fuel oil directly or indirectly for resale or consumption.

(c) "Consumer" means any ultimate user of fuel oil for space or central heating, or for hot water supply, but shall not include hospitals, sanitariums, or nursing homes.

(d) "Fuel oil" means any fuel oil classified as grades Nos. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, and gas oils, and any other liquid petroleum product used for the same purposes but shall not include fuel oil when used for cooking or lighting nor liquefied petroleum gases.

(e) "Defense order" means any order defined as such in Priorities Regulation No. 1 of the War Production Board, as amended,[4] including:

(1) Any contract or purchase order for material or equipment to be delivered to, or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(2) Any contract or purchase order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) Any other contract or purchase order to which the Director of Priorities assigns a preference rating of A-10 or higher.

(4) Any contract or purchase order for material or equipment required by the person placing the same to fill his contracts or purchase orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under (1), (2) or (3) above.

§ 1508.39 *Limitation on deliveries.* No supplier shall deliver or cause to be delivered, directly or indirectly, to any consumer, and no consumer shall accept delivery of fuel oil in any month in excess of 75% of such consumer's normal fuel oil requirements for such month, that is, that quantity which would be required in the absence of any restrictions: *Provided*, That this limitation shall not apply with respect to any consumer's requirements for fuel oil for a domestic establishment in case of sickness or other emergency therein which makes essential the use of a greater quantity of fuel oil.

§ 1508.40 *Preferential deliveries of fuel oil for purposes other than space and central heating and hot water supply.* To the extent that fuel oil is physically available for such delivery, suppliers shall deliver, regardless of the existence of any contract for the delivery of fuel oil to others and regardless of whether or not there exists contractual right to demand such delivery of fuel oil from the supplier, any person's minimum requirements for fuel oil for the operation of:

(a) Military establishments or equipment or facilities of the Army or Navy of the United States.

(b) Any plant or enterprise engaged in filling a defense order, to the extent that such plant is engaged therein.

(c) Plants, equipment, and facilities used by hospitals and public utilities.

(d) Public transportation facilities and terminals, including railroads, buses, pipe lines, commercial airports and air fields, commercial ships and other commercial vessels, but excluding facilities used primarily for pleasure purposes.

(e) Communication services, including telegraph and telephone systems and radio stations.

(f) Plants for the processing, manufacturing, and storing of food products.

To obtain delivery of fuel oil for the foregoing purposes, the following statement shall be presented to the delivering supplier, manually signed by the person demanding the delivery, or his representative duly constituted for such purpose:

Fuel oil delivered pursuant to this representation will be used only for the purposes authorized in § 1508.40 of Recommendation No. 39, with the terms of which Recommendation the undersigned is familiar.

_____
Legal name of person

By: _____
Signature of Duly Constituted Representative

Such statement shall constitute a representation to the Petroleum Coordinator for National Defense and to the supplier of such fuel oil that such fuel oil is for

[3] 7 F.R. 2687.

[4] 6 F.R. 6680.

such use, and such supplier shall be entitled to rely upon such representation unless he knows or has reason to believe it to be false.

§ 1508.41 *Conservation of fuel oil.* Except in case of sickness or other emergency which makes essential the maintenance of higher temperatures, controls used by consumers for the regulation of air temperature should be kept at a maximum of 65° Fahrenheit during the day and a maximum of 55° Fahrenheit during the night. All space which is not being utilized or is nonessential should be closed off from the remainder of the establishment and not heated. Controls used by consumers for the regulation of the temperature of hot water for domestic use should be kept at a maximum of 140° Fahrenheit.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

APRIL 6, 1942.

[F. R. Doc. 42-3468; Filed, April 20, 1942; 9:46 a. m.]

Chapter XV—Defense Communications Board

[Order No. 5]

PART 1704—CLOSURE OF LEASED TELEGRAPH CIRCUITS

Whereas The Defense Communications Board has by Executive Order No. 9089 been authorized if the national security and defense and the successful conduct of the War so demand to designate specific facilities for wire communication or portions thereof for the use, control, supervision, inspection or closure by the Department of War, Department of the Navy, or other agency of the United States Government; and

Whereas The Defense Communications Board has determined that the national security and defense and the successful conduct of the war demand that certain private telegraph circuits between the United States and Cuba and between the United States and Mexico be immediately closed:

Now, therefore, By virtue of the authority vested in the Board under the aforementioned Executive Order, It is hereby ordered, That the leased telegraph circuits set forth below, be, and they are hereby, designated for closure and closed:

Sec.
1704.1 New York to Havana.
1704.2 New York to Havana.
1704.3 San Antonio, Texas, and Mexico City.
1704.4 Phoenix, Arizona, to Juarez, Caliente, and Tia Juana, Mexico.

AUTHORITY: §§ 1704.1 to 1704.4, inclusive, issued under E.O. 9089, 7 F.R. 1777.

§ 1704.1 *New York to Havana.* Circuit from New York to Havana via Key West-Havana cable, leased by Merrill, Lynch, Pierce, Fenner and Beane from American Telephone and Telegraph Company.

§ 1704.2 *New York to Havana.* Circuit from New York to Havana via Key West-Havana cable, leased by Thomson and McKinnon from American Telephone and Telegraph Company.

§ 1704.3 *San Antonio, Texas, and Mexico City.* Circuit between San Antonio, Texas, and Mexico City via Laredo leased by Bache and Company from The Western Union Telegraph Company.

§ 1704.4 *Phoenix, Arizona, to Juarez, Caliente, and Tia Juana, Mexico.* Circuit from Phoenix, Arizona, to Juarez, Caliente, and Tia Juana, Mexico, leased by Washoe Publishing Company from The Western Union Telegraph Company.

Subject to such further order as the Board may deem appropriate.

DEFENSE COMMUNICATIONS BOARD,
JAMES LAWRENCE FLY, *Chairman.*

Attest:

HERBERT E. GASTON,
Secretary.

APRIL 16, 1942.

[F. R. Doc. 42-3458; Filed, April 18, 1942; 12:09 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

The last word in the second paragraph of § 78.53 appearing on page 2796 of the issue for Tuesday, April 14, 1942, should read "telegram" instead of "telephone".

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

The following corrections should be made in the document which appeared in the issue for Friday, April 10, 1942:

In the table appearing in § 155.6 on page 2743 the figure "1" in the third line under "Length of service required" appeared on the page proof but was dropped from the completed issue.

In the table appearing in § 155.9 on page 2744, footnote 9 appeared on the page proof but was dropped from the completed issue. It should read as follows: "[9] Three months of which time shall have been engaged in the construction, installation, or repair of marine engines".

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS CLASS A AND CLASS B TELEPHONE COMPANIES

CORRECTION

Attention is directed to the following error which appeared in the Friday, April 17, 1942 issue of the FEDERAL REGISTER on page 2869:

§ 31.2-26 (a) "June 1, 1937" should read "January 1, 1937".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-3448; Filed, April 18, 1942; 11:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order O. D. T. No. 2]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBSTITUTION OF MOTOR VEHICLE FOR RAIL PASSENGER SERVICE

By virtue of the authority vested in me by Executive Order No. 8989 of December 18, 1941, in order to conserve and providently to utilize existing transportation facilities, equipment, and materials, to prevent shortages in critical materials and equipment which will be required for the preferential transportation of troops and material of war and to provide for the facilitation and expedition of such traffic, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended, the attainment of which purposes is essential to the successful prosecution of the war:

It is hereby ordered, That

Sec.
501.1 Definitions.
501.2 Railroads not to substitute bus service.
501.3 Applications for authority to substitute bus service.

AUTHORITY: §§ 501.1 to 501.3, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 501.1 *Definitions.* As used herein:

(a) The term "carrier by railroad" means any carrier engaged in the transportation of passengers by vehicles operated on fixed rails, irrespective of the source or type of power used in the propulsion of such vehicles, and includes any trustee, receiver, or assignee of any such carrier.

(b) The term "person" means any individual, firm, copartnership, corporation, association, municipal corporation, or other type of legal entity, or any trustee, receiver, or assignee thereof.

(c) The term "bus" means any rubber tired vehicle used in the transportation of passengers, having a capacity of ten or more passengers.

§ 501.2 *Railroads not to substitute bus service.* On and after the effective date hereof, no carrier by railroad, in respect of the transportation of passengers, shall substitute a bus or buses for any vehicle or vehicles theretofore operated on rails, over any existing line or route of such carrier by railroad, unless it shall have been authorized so to do by prior order or orders issued by this Office. Such substitution shall not be made either directly or indirectly, nor through any person controlling, controlled by, or under com-

mon control or affiliated with such carrier by railroad.

§ 501.3 *Applications for authority to substitute bus service.* Whenever any carrier by railroad desires to substitute the use of buses for vehicles operated on rails it shall make application in writing to this Office for authority so to do, accompanied by a full statement of all facts and circumstances showing the need for the use of buses over any of its lines or routes; the relation, if any, between such need and the successful prosecution of the war; the availability of buses required to perform such substituted services, and such other considerations as may be pertinent to such application.

This Order shall become effective April 1, 1942. Issued this 25th day of March 1942.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 42-3469; Filed, April 20, 1942; 10:25 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-86]

IN THE MATTER OF REYNOLDS, LATTIER AND SCHIED, ALSO KNOWN AS CHARLES REYNOLDS, DAVID LATTIER AND JOHN SCHIED, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF REYNOLDS, LATTIER AND SCHIED, CODE MEMBER, DEFENDANTS

NOTICE OF FILING OF APPLICATION FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that Reynolds, Lattier and Schied, also known as Charles Reynolds, David Lattier and John Schied, individually and as copartners, doing business under the name and style of Reynolds, Lattier and Schied, code member in District No. 11, filed herein, on April 9, 1942, an application dated March 23, 1942, pursuant to §301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

The Bituminous Coal Producers Board for District No. 11 on October 15, 1941, filed a complaint in the above-entitled matter, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging that the above-named code member, which operates the Happy Hollow Mine, Mine Index No. 270, located in Clay County, Indiana, in District No. 11, had violated the effective minimum prices, during the period October 7, 1940 to April 26, 1941, both dates inclusive, by selling to various purchasers a substantial amount of 1¼" lump coal (Size Group No. 6) produced at said mine at a price of $1.70 per net ton f. o. b. said mine, whereas the effective minimum price established for said coal was $2.10 per net ton f. o. b. said mine, as shown in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments. Said complaint also alleged that the coals hereinbefore referred to were invoiced by said code member as mine run coal instead of 1¼" lump coal, resulting in violation of section 4 II (i), paragraph (8) of the Act and Rule 8 of section XIII of the Marketing Rules and Regulations.

The above application of said code member for disposition of this proceeding without formal hearing:

1. Admits having committed the violations alleged in the complaint herein "by running coal over 1¼ inch round holed gravity type screen to remove dirt due to a 10 inch clay streak in the coal; the same sold as mine run;"

2. Admits that the violations, occurred during the period from October 7, 1940, to April 26, 1941, during which time 338 tons of coal were sold in violation as aforesaid;

3. Consents to the entry of any order which may be imposed by the Division; and

4. Agrees that the Division may impose a tax upon the basis of the admitted violations in the amount of $276.82 and further agrees that it will pay said tax to the United States Government within thirty (30) days after the applicant has been served with a copy of the order of the Division herein revoking its code membership.

Interested parties desiring to do so may, within fifteen (15) days from the date of this notice, file recommendations or requests for informal conferences in respect to the above described application.

Dated: April 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3473; Filed, April 20, 1942; 10:29 a. m.]

[Docket No. A-1272]

PETITION OF DISTRICT BOARD NO. 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF RIVERCOAL MINE, MINE INDEX NO. 29, OF RIVERCOAL, INC., IN DISTRICT NO. 6, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937.

ORDER POSTPONING HEARING

The original petitioner, District Board No. 6, having moved that the hearing in the above-entitled matter be postponed until the first or second week in June, 1942, and having shown good cause why its motion should be granted, and there having been no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from April 21, 1942, to 10 o'clock in the forenoon of June 16, 1942, at the place heretofore designated and before the officer previously designated to preside at such hearing.

Dated: April 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3474; Filed, April 20, 1942; 10:29 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective April 20, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Algarotti Embroidery Company, 6900 Hudson Blvd., Guttenberg, N. J.; Embroidery; 10 learners; 6 weeks for any one learner; 29 cents per hour; Applique Cutting, Scallop Cutting; October 20, 1942.

Dependable Cutting Company, 208 36th Street, Union City, N. J.; Embroidery; 10 learners; 6 weeks for any one learner; Applique cutter, scallop cutter; 29 cents per hour; October 20, 1942.

Empire Embroidery, 1027 Race Street, Philadelphia, Pennsylvania; Embroidery; 2 learners; 6 weeks for any one learner; 28 cents per hour; Spanner; October 5, 1942.

Greenwald Embroidery Company, 725 14th Street, Union City, New Jersey; Embroidery on pillow cases; 1 learner; 6 weeks for any one learner; 28 cents per hour; Spanner-helper; October 20, 1942.

J. G. Jacobus Specialty Works, Inc., 171 Danforth Avenue, Jersey City, N. J.; Tucking, cording, and hemstitching; 2 learners; 6 weeks for any one learner; Tucker; 28 cents per hour; October 20, 1942.

The Love Mac Company, 186 NW. 29th Street, Miami, Florida; Novelty Jewelry; 10 learners; 4 weeks for any one learner; 30 cents per hour; Shell Setter; June 22, 1942. (This certificate effective April 13, 1942.)

Shellborn Studios, St. Petersburg, Florida; Novelty Jewelry; 2 learners; 4 weeks for any one learner; 30 cents per hour; Shell Setter and Shell Decorator; June 22, 1942. (This certificate effective April 13, 1942.)

Warren Featherbone Company, Three Oaks, Michigan; Cotton, Silk and Rayon Braids; 10 learners; 6 weeks for any one learner; 28 cents per hour; Laying out and cutting, sewing machine (other than apparel) operating; October 20, 1942.

The West Company, 1117 Shackamaxon Street, Philadelphia, Pennsylvania; Rubber Products; 10 learners; 6 weeks (240 hours for any one learner); Trimmers 30 cents; Molders 35 cents; Trimmers, Molders, September 7, 1942.

Signed at New York, N. Y., this 18th day of April 1942.

PAULINE C. GILBERT,
Authorized Representative,
of the Administrator.

[F.R. Doc. 42-3476; Filed, April 20, 1942; 10:38 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective April 20, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Adirondack Sportswear, 20 Hamilton Street, Amsterdam, New York; Cotton Outer Jackets and Leather Jackets; 6 learners (T); April 20, 1943.

American Sportswear Company, 61 S. Main Street, Brigham City, Utah; Leather Jackets; 5 learners (T); April 20, 1943.

Barasch Brothers, Hoffman Avenue, Lindenhurst, New York; Handkerchiefs; 3 learners (T); April 20, 1943.

Brooklyn Handkerchief Company, 62 Schenectady Avenue, Brooklyn, New York; Handkerchiefs; 10 percent (T); October 20, 1942.

Cohen, Goldman and Company, Inc., 123 Market Street, Baltimore, Maryland; Men's Wool Sack Coats; 5 percent (T); April 20, 1943.

Cohen, Goldman and Company, Inc., 2200 Aisquith Street, Baltimore, Maryland; Men's Wool Sack Coats & Vests; 5 percent (T); April 20, 1943.

Contract Garment Sewing Company, 5716 Euclid Avenue, Cleveland, Ohio; Raincoats; 4 learners (T); April 20, 1943.

Harry Coplin, 625 First Avenue, N., Minneapolis, Minn.; Custom Pants; 5 learners (T); April 20, 1943.

Exeter Handkerchief Company, Lincoln Street, Exeter, New Hampshire; Cotton Handkerchiefs; 5 learners (T); April 20, 1943.

Fox River Glove and Garment Company, Inc., W. Fond du Lac Street, Ripon, Wisconsin; Sewing Jackets; 1 learner (T); April 20, 1943.

Hammonton Manufacturing Company, 321 N. Egg Harbor Road, Hammonton, New Jersey; Rainwear; 5 learners (T); April 20, 1943.

Kramer Tie Company, 26 East 14th Street, Bayonne, New Jersey; Men's Neckwear; 5 learners (T); April 20, 1943.

Master Coat and Shoulder Pad Company, 111-119 W. 19th Street, New York, N. Y.; Canvas Coat Fronts and Shoulder Pads; 5 learners (T); September 7, 1942.

New Era Cap Company, Inc., 86 Ellicott Street, Buffalo, New York; Men's & Boys' Cloth Caps; 3 learners (T); April 20, 1943.

Novelty Handkerchief Manufacturing Company, Inc., 130 8th Street, Passaic, New Jersey; Handkerchiefs; 5 percent (T); April 20, 1943.

Paramount Cap Manufacturing Company, Bourbon, Missouri; Men's & Boys' Cloth Caps; 5 percent (T); April 20, 1943.

Philipsburg Sportwear Company, Water Street, Philipsburg, Pennsylvania; Men's Topcoats & Overcoats, Men's Vests, Pants & Sack Coats; 5 learners (T); April 20, 1943.

Puritan Raincoat Company, Inc., Walnut Street, Lansdale, Pennsylvania; Raincoats, Outerwear, Overalls; 5 learners (T); April 20, 1943.

Rochelle of Hollywood, 640 S. Broadway, Los Angeles, California; Wrapped Turbans; 4 learners (T); April 20, 1943.

Royal Coat Manufacturing Company, 19 Stuart Street, Boston, Massachusetts; Topcoats, Government Field Jackets; 4 learners (T); April 20, 1943.

Sandess Manufacturing Company, 1027 Arch Street, Philadelphia, Pennsylvania; Boys' Clothing, Summer Clothing, Slack Sets, Knickers, Shorts; 10 learners (T); April 20, 1943.

Mr. S. L. Schwartz, 5 Canal Street, Passaic, New Jersey; Handkerchiefs; 5 learners (T); April 20, 1943.

Schwob Manufacturing Company, 943 Broadway, Columbus, Georgia; Men's Suits, Pants & Overcoats; 5 percent (T); April 20, 1943.

Star Sportswear Manufacturing Company, 429 Washington Street, Lynn, Massachusetts; Leather Coats and Jackets; 5 percent (T); April 20, 1943.

Stonewall Overall Company, Lexington, North Carolina; Overalls & Work Pants; 5 learners (T); April 20, 1943.

Ware Shoals Manufacturing Company, Ware Shoals, South Carolina; Men's & Ladies' Handkerchiefs; 5 percent (T); April 20, 1943.

Wellingtex and Avery Shirt Company, 15 Broadway, Paterson, New Jersey; Men's Shirts and Shorts; 5 learners (T); April 20, 1943.

Whitewater Garment Company, 200 Whitewater Street, Whitewater, Wisconsin; Rainwear; 10 percent (E); October 20, 1942.

Winsor Manufacturing Company, Inc., 59 Social Street, Woonsocket, Rhode Island; Handkerchiefs; 5 learners (T); April 20, 1943.

Zand Manufacturing Company, 1476 Broadway, Brooklyn, New York; Rainwear; 5 learners (T); August 17, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Allen Manufacturing Company, 1808 Lawrence Street, Denver, Colorado; Single Pants, Breeches; 5 learners (T); April 20, 1943.

Allen Overall Company, Inc., 413 S. Church Street, Charlotte, North Carolina; Overalls, Unionalls, Overall Jackets, Work Pants; 10 percent (T); April 20, 1943.

Belle-Mode Brassiere, Inc., 11 West 30th Street, New York, New York; Brassieres; 3 learners (T); September 7, 1942.

Bennett Brassiere Company, 5-7 E. 16th Street, New York, N. Y.; Brassiers; 5 learners (T); September 7, 1942.

Better Boys' Washsuits, Inc., 7 Great Jones Place, New York, N. Y.; Boys' Wash Suits; 5 learners (T); September 7, 1942.

Bona Fit Shirt Company, Inc., 427 E. 19th Street, Paterson, New Jersey; Men's Shirts; 10 percent (T); April 20, 1943.

Briell-Rodgers Cotton Goods Company, 608 N. 21st Street, St. Louis, Missouri; Washable Service Apparel; 5 learners (T); April 20, 1943.

C & S Manufacturing Company, 151 East Street, New Haven, Connecticut; Pajamas, Sportswear; 5 learners (T); April 20, 1943.

California Manufacturing Company, 845 Market Street, Oakland, California; Overalls, Work Pants; 10 learners (T); April 20, 1943.

Capital Manufacturing Company, Inc., 212 E. 8th Street, Los Angeles, California; Sport Shirts; 10 percent (T); April 20, 1943.

Champ Manufacturing Company, 900 Hodiamont Avenue, St. Louis, Missouri; Men's & Ladies' Clothing; 10 learners (E); October 20, 1942. (This certificate replaces one you now have for 10% bearing date of expiration February 5, 1943.)

City Shirt Company, 19–21 West Vine Street, Mahanoy City, Pennsylvania; Men's Dress Shirts, Sport Shirts, Boys' Sport Shirts; 10 percent (T); April 20, 1943.

Dainty Slip Company, 319 Grand Street, New York, N. Y.; Slips and Night Gowns; 10 learners (T); October 20, 1942.

Deane Company, Inc., 212 S. Market Street, Chicago, Illinois; Ladies' Slack Suits, Slacks; 5 learners (T); April 20, 1943.

Domestic Overall and Pants Company, 232 Market Street, Philadelphia, Pennsylvania; 5 learners (T); April 20, 1943.

E. G. Sportswear Company, 121 Prince Street, New York, N. Y.; Bathing Suits, Playsuits, Slacks; 10 learners (T); October 19, 1942.

Easton Dress Company, 225 Church Street, Easton, Pennsylvania; Ladies' Dresses; 50 learners (E); August 3, 1942.

Favorite Overall Company, Inc., 77 Bedford Street, Boston, Massachusetts; Dungarees, Overalls, Jumpers; 5 learners (T); April 20, 1943.

G & R Garment Manufacturing Company, Inc., 1123 Washington Avenue, St. Louis, Missouri; Ladies' Underwear, Slips, Pajamas; 10 percent (T); April 20, 1943.

Garment Corporation of America, 925 N. Main Street, Mt. Vernon, Indiana; Boys' Pants, Shirts, Jackets; 10 percent (T); April 20, 1943.

Paula Garrison, 2002 Fifth Avenue, Seattle, Washington; Women's Cotton Nightwear; 5 learners (T); April 20, 1943.

William Heller, 15 East 16th Street, New York, N. Y.; Flannel Gowns; 10 learners (T); October 20, 1942.

Hollywood Garment Corporation, 1013 S. Los Angeles Street, Los Angeles, California; Blouses, Slips; 10 percent (T); April 20, 1943.

H. L. Hutchinson, Inc., 35 Mechanic Street, Freehold, New Jersey; Pajamas; 10 percent (T); April 20, 1943.

J. H. Sportwear, Inc., 500 William Street, Pen Argyl, Pennsylvania; Men's Sport Jackets and Shirts; 10 learners (T); April 20, 1943.

Lancaster Garment Company, Inc., 241 North Ann Street, Lancaster, Pennsylvania; Children's Dresses; 10 percent (T); April 20, 1943.

Laxer Blouse Company of California, 939 S. Broadway, Los Angeles, California; Ladies' Blouses; 5 learners (T); April 20, 1943.

Lehigh Sportswear Company, 101 W. White Street, Summit Hill, Pennsylvania; Washable Service Apparel; 10 percent (T); April 20, 1943.

Lemoyne Dress Company, 3d and Plum Streets, Lemoyne, Pennsylvania; Cheap Cotton Dresses; 5 learners (T); April 20, 1943.

Liberty Sport Togs, 176–84 W. Louden Street, Philadelphia, Pennsylvania; Boys' Wash Suits; 10 learners (T); April 20, 1943.

Lillian Sportswear, Inc., 695 Broadway, Bayonne, New Jersey; Ladies' Dresses and Sportswear; 5 learners (T); April 20, 1943.

Lloyd Garment Company, N. Weiss Street, Manville, New Jersey; Children's & Misses' Slack Suits and Ski Suits; 10 percent (T); April 20, 1943.

Alfred Lombardi, 645 Milton Avenue, Lyndhurst, New Jersey; Ladies' Rayon Silk Underwear; 10 percent (T); April 20, 1943.

Majestic Undergarment Company, Inc., 72 Madison Avenue, New York, N. Y.; Ladies' Underwear; 5 learners (T); September 7, 1942.

Marcus Undergarment Company, 16 West 22nd Street, New York, N. Y.; Ladies' Slips; 5 learners (T); October 20, 1942.

Marionette Inc., 108 West Lemon Street, Lancaster, Pennsylvania; Children's Dresses; 10 learners (T); April 20, 1943.

Medaryville Garment Company, Medaryville, Indiana; Children's Overalls; 10 percent (T); April 20, 1943. (This certificate replaces one you now have for five learners bearing expiration date of December 18, 1942.)

Lewis Meier and Company, 1002 Central Avenue, Indianapolis, Indiana; Pants, Coats, Shirts and Overalls; 10 percent (T); April 20, 1943.

Jessie Miller Company, Inc., 22 West 27th Street, New York, N. Y.; Brassieres; 2 learners (T); September 7, 1942.

Model Garment Company, 231 S. Green Street, Chicago, Illinois; Women's Wash Dresses; 10 learners (T); April 20, 1943.

Moe's Dress Shop, 301 Union Street, Mt. Holly, New Jersey; Ladies' Cotton Dresses; 5 learners (T); April 20, 1943.

A. J. Morrison, 121 West 5th Street, Philadelphia, Pennsylvania; Slips, Gowns, Lingerie; 6 learners (T); April 20, 1943.

Dolly Myers, Inc., 417 Virginia Street, Seattle, Washington; Ladies' Cotton and Rayon Dresses, Sportswear, Robes and Negligees; 5 learners (T); April 20, 1943.

New Jersey Garment Corporation, 121 Burnet Street, New Brunswick, New Jersey; Women's Cotton House Dresses; 10 percent (T); April 20, 1943.

Night Comfort, Inc., Pine Grove, Pennsylvania; Cotton & Rayon Pajamas & Sport Shirts; 10 percent (T); April 20, 1943.

Osgood and Sons, Inc., Decatur, Illinois; Women's Apparel; 10 percent (T); April 20, 1943.

Pacific Overall Company, Inc., 20 Third Avenue, Long Branch, New Jersey; Men's Work Clothes; 10 percent (T); April 20, 1943.

PaRees Garment Company, East Camplain Road, Manville, New Jersey; Ladies' Pajamas, Slacks, Slack Sets; 10 percent (T); April 20, 1943.

Press Dress & Uniform Company, S. Hanover Street, Hummelstown, Pennsylvania; Ladies' Dresses & Uniform; 10 percent (T); April 20, 1943.

Reliable Kimono Company, Inc., 2395 Pacific Street, Brooklyn, New York; Ladies' Underwear; 4 learners (T); September 7, 1942.

Roseman Garment Company, 307 W. Van Buren Street, Chicago, Illinois; Housecoats, Pajamas, Gowns; 5 learners (T); April 20, 1943.

Rothley Incorporated, 307 W. Van Buren Street, Chicago, Illinois; Ladies' Blouses, Slack Suits, Housecoats; 10 percent (T); April 20, 1943.

Royal Manufacturing Company, 714 S. Los Angeles Street, Los Angeles, California; Nurses' Uniforms, Slacks & Slack Suits; 10 percent (T); April 20, 1943.

Salant and Salant, Inc., First Street, Lawrenceburg, Tennessee; Cotton Work Shirts; 30 learners (E); October 20, 1942.

Henry Schottenfels, 324 61st Street, West New York, New Jersey; Corsets and Allied Garments; 10 percent (T); April 20, 1943.

Siceloff Manufacturing Company, Inc., Pugh Street, Lexington, North Carolina; Overalls, Dungarees, Work Pants; 10 percent (T); April 20, 1943.

Irving Sobel and Company, 2300 West Armitage Avenue, Chicago, Illinois; Wash Dresses; 5 learners (T); April 20, 1943.

Spar Dress, Mount Wolf, Pennsylvania; Cotton Dresses; 10 percent (T); April 20, 1943.

M. Stefany, 496 Nye Avenue, Irvington, New Jersey; Ladies' Underwear; 10 percent (T); April 20, 1943.

Steiner-Lobman Dry Goods Company, 212 Commerce Street, Montgomery, Alabama; Work Pants and Overalls; 10 learners (T); April 20, 1943.

Sterling Sportswear Manufacturing Company, 127 E. 9th Street, Los Angeles, California; Skirts, Ladies' Slack Suits and Slacks; Men's Sport Shirts; 10 percent (T); April 20, 1943.

Steward Manufacturing Company, Inc., 63–67 Central Avenue, Ossining, New York; Women's Dresses, Junior Dresses, Misses' Dresses; 10 percent (T); April 20, 1943.

Supreme Shirt Company, 6055–57 Vine Street, Philadelphia, Pennsylvania; Men's Shirts; 3 learners (T); April 20, 1943.

Supreme Shirt Company, 11th Street & Washington Avenue, Philadelphia, Pennsylvania; Work Shirts; 10 percent (T); April 20, 1943.

Western Underwear Co. of Mpls., 608 First Avenue, No., Minneapolis, Minnesota; Slips, Gowns, Pajamas, Panties of Knitted & Woven Fabrics; 5 learners (T); April 20, 1943.

Gloves

Chippewa Glove Company, Chippewa Falls, Wisconsin; Work Gloves; 15 learners (E); October 20, 1942.

Hosiery

Homestead Manufacturing Company, Bankhead Farmstead, Jasper, Alabama; Full Fashioned Hosiery; 20 learners (E); December 13, 1942. (This certificate effective April 13, 1942.)

Laughlin Full Fashioned Hosiery Mills, Inc., Randleman, North Carolina; Full

Fashioned Hosiery; 10 percent (T); April 20, 1943.

Walridge Knitting Company, Arkansas Street, Helena, Arkansas; Seamless Hosiery; 8 learners (E); December 20, 1942.

Knitted Wear

Robert P. Miller Company, Shoemakersville, Pennsylvania; Knitted Underwear and Outerwear; 5 learners (T); April 20, 1943.

Neidich Cel Lus Tra Corporation, Penn and Dilwyn Streets, Burlington, New Jersey; Commercial Knitting; 5 leaners (T); April 20, 1943.

Textile

Aponaug Manufacturing Company, Box 162, West Point, Miss.; Cotton Yarn; 3 learners (T); April 20, 1943.

Huntingdon Throwing Company, Huntingdon, Pennsylvania; Silk, Rayon & Synthetic; 6 percent (T); April 20, 1943.

L. Hyman Company, Inc., Maxwell Throwing Division, Carpenter Street, Muncy, Pennsylvania; Rayon Throwing; 6 learners (T); April 20, 1943.

Frank Ix and Sons, Inc., Brimmer Avenue, New Holland, Pennsylvania; Woven Fabrics; 12 learners (T); April 20, 1943.

The Maxik Products Company, Inc., 55 West 17 Street, New York, N. Y.; Millinery Braids; 3 learners (T); April 20, 1943.

Paulton Silk Corporation, Washington & Sycamore Streets, Berwick, Pennsylvania; Rayon Piece Goods; 10 learners (E); October 20, 1942.

Signed at New York, N. Y., this 18th day of April 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-3477; Filed, April 20, 1942; 10:38 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 704]

TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Transcontinental & Western Air, Inc., for amendment to a certificate of public convenience and necessity under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 401 and 1001 of said Act, in the above-entitled proceeding, that hearing now assigned to be held on April 23, 1942, is hereby postponed to May 1, 1942 (eastern standard time) in Room 1851, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., April 18, 1942.

THOMAS L. WRENN,
JOHN W. BELT,
Examiners.

[F. R. Doc. 42-3462; Filed, April 20, 1942; 9:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6224]

APPLICATION OF S. E. ADCOCK, D/B AS STUART BROADCASTING COMPANY (WROL)

NOTICE OF HEARING

Application dated February 25, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Knoxville, Tennessee; operating assignment specified: Frequency, 620 kc.; power, 5 kw. (DA—night); hours of operation unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed construction involves the use of any materials of a type determined by the War Production Board to be critical.

2. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission in respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine the extent of any interference which would result from the simultaneous operation of Station WROL as proposed herein and Stations KWFT, WTMJ and WSUN.

5. To determine the areas and populations which may be expected to lose primary service during nighttime hours, particularly from Stations KWFT, WTMJ and WSUN, should Station WROL operate as proposed and what other broadcast service is available to these areas and populations.

6. To determine the extent of any interference which would result from the simultaneous operation of Station WROL as proposed herein and Stations KWFT as proposed in application B3-ML-1057, and WDNC as proposed in Docket No. 6209, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

8. To determine the availability of a transmitter site which would enable Station WROL, operating as proposed, to render adequate service to the City of Knoxville, Tennessee, and at the same time protect the services of other stations in accordance with the Standards of Good Engineering Practice.

9. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

S. E. Adcock, d/b as Stuart Broadcasting Company, Radio Station WROL, Hamilton National Bank Building, 531 South Gay Street, Knoxville, Tennessee.

Dated at Washington, D. C., April 15, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-3446; Filed, April 18, 1942; 10:53 a. m.]

[Docket No. 6294]

INCREASED SERVICE CHARGES OF ASSOCIATED TELEPHONE COMPANY, LTD., FOR PRIVATE LINE TELETYPEWRITER STATION EQUIPMENT

ORDER FOR HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April, 1942;

It appearing, that there have been filed with the Commission tariffs containing schedules stating increased charges of Associated Telephone Company, Ltd. for station equipment furnished for and in connection with interstate and foreign private line teletypewriter service; such tariffs to become effective on April 15, 1942, and which are designated as follows:

American Telephone and Telegraph Company, Tariff F. C. C. No. 137, 3d Revised Page 12;

It further appearing, that said tariff schedules make increases in charges for and in connection with interstate communications service; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective dates of the said tariff schedules should be postponed pending hearing and decision thereon;

It further appearing, That the abovementioned American Telephone and Telegraph Company tariff page provides the charges for private line teletypewriter station equipment furnished at named exchanges in California shall be those specified in The Pacific Telephone and Telegraph Company, Tariff F. C. C. No. 20, 5th Revised Page 15a, Paragraph II BIc (2) (a) (I), relating to service fur-

nished by Associated Telephone Company, Ltd.; such charges being higher than those heretofore specified in American Telephone and Telegraph Company, Tariff F. C. C. No. 137, for the same or similar service furnished by Associated Telephone Company, Ltd.;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the station equipment charges contained in American Telephone and Telegraph Company, Tariff F. C. C. No. 137, 3rd Revised Page 12;

It is further ordered, That the operation of American Telephone and Telegraph Company, Tariff F. C. C. No. 137, 3rd Revised Page 12, be suspended; and that the use of the station equipment charges therein stated be deferred until July 15, 1942, unless otherwise ordered by the Commission; and during said period of suspension, no change shall be made in such station equipment charges or in the station equipment charges sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of all station equipment charges of Associated Telephone Company, Ltd., for and in connection with interstate and foreign private line teletypewriter service.

It is further ordered, That a copy of this order be filed with American Telephone and Telegraph Company, Tariff F. C. C. No. 137, 3rd Revised Page 21, and The Pacific Telephone and Telegraph Company Tariff F. C. C. No. 20, 5th Revised Page 15a, in the office of the Federal Communications Commission; that copies hereof be served upon Associated Telephone Company, Ltd., The Pacific Telephone and Telegraph Company, American Telephone and Telegraph Company, and all carriers listed or referred to as concurring, connecting or other carriers in such tariff schedules; and that such carriers parties to such tariff schedules be, and they are hereby, each made a party respondent to this proceeding; and

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10:00 a. m., beginning on the 29th day of April, 1942, at the offices of the Federal Communications Commission, in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-3445; Filed, April 18, 1942; 10:53 a. m.]

[Docket No. 6221]

APPLICATION OF BOB JONES COLLEGE, INC. (NEW), CLEVELAND, TENNESSEE, FOR CONSTRUCTION PERMIT

ORDER AMENDING NOTICE OF ISSUES FOR HEARING

It is ordered, On the Commission's own motion this 15th day of April, 1942, that the Notice of Issues heretofore released on the application in Docket No. 6221 be, and it is hereby, amended to read as follows:

1. To determine the qualifications of the applicant to construct and operate the proposed station.
2. To determine the character of the proposed program service.
3. To determine whether the proposed construction involves the use of materials determined to be critical by the War Production Board.
4. To determine the areas and populations which would receive primary service as a result of the operation of the station proposed herein and what broadcast service is already available to such areas and populations.
5. To determine whether the granting of this application would be consistent with the policy announced by the Commission in respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph #58106).
6. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and stations KTSA and WKRC.
7. To determine the areas and populations which would be deprived of primary service particularly from stations KTSA and WKRC as a result of the operation of the station proposed herein and what other broadcast service is available to these areas and populations.
8. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and the operation of a station proposed by Fort Smith Newspaper Publishing Company, File B3-P-3117, as well as the areas and populations affected thereby, and what other broadcast services are available to these areas and populations.
9. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.
10. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of The Constitution Broadcasting Company, Docket 6075, or either of them.

By the Commission, George Henry Payne, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-3449; Filed, April 18, 1942; 11:13 a. m.]

[Docket No. 6075]

APPLICATION OF THE CONSTITUTION BROADCASTING COMPANY (NEW), ATLANTA, GEORGIA, FOR CONSTRUCTION PERMIT

ORDER AMENDING NOTICE OF ISSUES FOR HEARING

It is ordered, on the Commission's own motion this 15th day of April, 1942, that the Notice of Issues heretofore released on the application in Docket No. 6075 be, and it is hereby, amended to read as follows:

1. To determine the qualifications of the applicant, its officers, directors and stockholders, to construct and operate the proposed station.
2. To determine the character of the proposed program service.
3. To determine whether the proposed construction involves the use of materials determined to be critical by the War Production Board.
4. To determine the areas and populations which would receive primary service as a result of the operation of the proposed station and what broadcast service is already available to such areas and populations.
5. To determine whether the granting of this application would be consistent with the policy announced by the Commission in respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph #58106).
6. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and station CMW, Havana, Cuba (Appendix II, Table I, NARBA).
7. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and station WKRC.
8. To determine the areas and populations which would be deprived of primary service particularly from station WKRC as a result of operation of the station proposed herein and what other broadcast service is available to these areas and populations.
9. To determine whether operation at the proposed transmitter location would reduce the effectiveness of the Federal Communications Commission Powder Springs Monitoring Station for National Defense and Routine Operations.
10. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and the operation of the station proposed by Fort Smith Newspaper Publishing Company, File B3-P-3177, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.
11. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.
12. To determine whether operation of station at the proposed transmitter location would be consistent with the Standards of Good Engineering Practice, particularly as to the service rendered to the business district of the City of Atlanta, Georgia, during nighttime hours.
13. To determine whether public interest, convenience or necessity would be served through the granting of this application and application of the Bob Jones

College, Inc., Docket 6221, or either of them.

By the Commission, George Henry Payne, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-3450; Filed, April 18, 1942; 11:13 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-517]

IN THE MATTER OF FEDERAL WATER AND GAS CORPORATION

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of April, A. D. 1942.

Federal Water and Gas Corporation, a registered holding company, having heretofore filed an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935, whereby authorization was sought for the purchase by said applicant, from time to time, but prior to December 31, 1942, of all or any part of a maximum of 45,000 shares of common stock of Southern Natural Gas Company, a subsidiary of said applicant, in the open market, at prices not to exceed $12.50 per share;

Said applicant having now filed a written request for permission to withdraw said application so filed, the Commission having considered said request, and finding the same proper to be granted;

It is ordered, That the request of Federal Water and Gas Corporation for withdrawal of the application filed by it in this proceeding be, and the same is hereby, granted, and said application be, and the same shall be deemed withdrawn upon the entry of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3441; Filed, April 17, 1942; 3:15 p. m.]

[File Nos. 59-30 and 70-427]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY AND STANLEY CLARKE, TRUSTEE THEREOF, IN HIS CAPACITY AS SUCH; ASSOCIATED GAS AND ELECTRIC CORPORATION AND WILLARD L. THORP AND DENIS J. DRISCOLL, TRUSTEES THEREOF, IN THEIR CAPACITY AS SUCH; GENERAL GAS & ELECTRIC CORPORATION; SOUTHEASTERN ELECTRIC AND GAS COMPANY; VIRGINIA PUBLIC SERVICE COMPANY

ORDER DENYING REQUEST FOR POSTPONEMENT AND DIRECTING THAT LIST OF STOCKHOLDERS BE MADE AVAILABLE FOR INSPECTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 17th day of April, A. D. 1942.

The Commission having instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to the corporate structure of Virginia Public Service Company for the purpose of determining what action should be taken by said company for the purpose of simplifying its corporate structure and bringing about a fair and equitable distribution of voting power, and various hearings having been held in said proceedings at which interested security holders have been present;

Percival E. Jackson, a representative of a preferred stockholder, having appeared at one of said hearings, and having filed a motion in which he requests:

1. That the Commission suspend these proceedings for an indefinite period;

2. That Virginia Public Service Company be required to make available to him a list of its preferred stockholders, in order that said Jackson may have an opportunity to communicate with other stockholders for the purpose of protecting the interests of such stockholders in connection with these proceedings;

Virginia Public Service Company having been advised of the request by said Jackson that a stockholders list be made available to him, and having been given an opportunity for hearing with respect thereto; said company having advised the Commission that it did not propose to make such list available voluntarily to said Jackson, but would submit the matter to the Commission's determination, and that it would abide by any decision rendered by the Commission with respect thereto; said company having stated that in the company's opinion the interests of the stockholders were adequately safeguarded by the Board of Directors of the Company, and having expressed the view that said Jackson desired to delay a recapitalization of Virginia Public Service Company and that he desired to use the stock represented by him for the purpose of soliciting representation of other stockholders;

The Commission having considered the motion of said Percival E. Jackson, and having considered the representations made by said Virginia Public Service Company, and being of the opinion that the public interest demands prompt action with respect to the corporate simplification of said company, and that accordingly said request for postponement should be denied, but that it is appropriate in the public interest and for the protection of investors that said Jackson should be permitted to inspect said list of preferred stockholders of Virginia Public Service Company, and that said company should be directed, pursuant to section 15 (g) of said Act, to make said list available;

It is ordered, That the said motion of Percival E. Jackson to suspend further proceedings herein be and is hereby denied.

It is further ordered, That Virginia Public Service Company be, and hereby is, directed to make available for examination to said Jackson, at all reasonable business hours, the list of the preferred stockholders of Virginia Public Service Company on file in the office of said company at Alexandria, Virginia.

It is further ordered, That nothing herein contained shall constitute any determination of the right of said Jackson to solicit other security holders, or with respect to any other action which the Commission may take in these proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3464; Filed, April 20, 1942; 9:49 a. m.]

[File No. 70-531]

IN THE MATTER OF NORTHWESTERN ILLINOIS UTILITIES, ILLINOIS NORTHWESTERN TELEPHONE COMPANY, AND AMERICAN UTILITIES SERVICE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of April 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northwestern Illinois Utilities, Illinois Northwestern Telephone Company, and American Utilities Service Corporation; and

Notice is further given that any interested parties may, not later than May 5, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing may be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction, as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Northwestern Illinois Utilities ("Northwestern"), a wholly owned subsidiary of American Utilities Service Corporation ("American"), a registered holding company, proposes to segregate its telephone properties from its electric and gas utility properties.

Illinois Northwestern Telephone Company ("Telephone Company"), a wholly owned subsidiary of American, proposes to acquire all the telephone properties of Northwestern, issuing in payment therefor $75,000 of its Common Stock and $125,000 of long term 4% Promissory Notes.

Northwestern will deliver the common stock as above acquired to American in

exchange for a like par amount of the common stock of Northwestern which will then be canceled and retired; and Northwestern will deliver the note as above acquired to American in payment of a like principal amount of the present note indebtedness of Northwestern to American.

Telephone Company will also issue and American will acquire $100,000 of Telephone Company's common stock for a cash consideration of $100,000.

American will pledge the note and stock of Telephone Company as above acquired with Continental Illinois National Bank and Trust Company of Chicago, as Trustee under the Indenture securing the Collateral Trust Bonds of American.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3465; Filed, April 20, 1942; 9:49 a. m.]

DECLARATION OF EFFECTIVENESS OF PLAN OF THE SAN FRANCISCO STOCK EXCHANGE

The San Francisco Stock Exchange, pursuant to Rule X-10B-2 (d), having filed on March 16, 1942, a plan for special offerings contained in its Rules 1-9, inclusive, and having filed on March 23, 1942, and on April 10, 1942, amendments to such plan; and

The Securities and Exchange Commission, having given due consideration to the terms of such plan, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and Rule X-10B-2 (d) thereunder, hereby declares such plan, as modified, to be effective until the close of business on July 31, 1942, unless the Commission otherwise determines, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may send at least ten days' written notice to the San Francisco Stock Exchange terminating the effectiveness of such plan.

Effective April 17, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3466; Filed, April 20, 1942; 9:50 a. m.]

[File Nos. 7-576 to 7-603, inclusive]

IN THE MATTER OF APPLICATIONS BY THE SAN FRANCISCO STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO TWENTY-EIGHT (28) STOCKS

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of April, A. D. 1942.

The San Francisco Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to twenty-eight securities; and

After appropriate notice a hearing having been held in this matter in San Francisco, California; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the San Francisco Stock Exchange for permission to extend unlisted trading privileges to American Viscose Corporation $14 Par Common Stock; Armour & Company (Illinois) $5 Par Common Stock; Baldwin Locomotive Works VTCs for $13 Par Common Stock; Bethlehem Steel Corporation (Dela.) Common Stock, No Par Value; Boeing Airplane Company $5 Par Capital Stock; Borden Company $15 Par Capital Stock; Borg-Warner Corporation $5 Par Common; General Foods Corporation Common Stock, No Par Value; Goodyear Tire & Rubber Company Common Stock, No Par Value; Great Northern Railway Company $6 Non-Cumulative Preferred Stock, No Par Value; New York Central Railroad Company Capital Stock, No Par Value; Ohio Oil Company Common Stock, No Par Value; Paramount Pictures, Inc. $1 Par Common Stock; Pullman Inc., Capital Stock, No Par Value; Pure Oil Co. Common Stock, No Par Value; Republic Steel Corporation Common Stock, No Par Value; Sears, Roebuck & Co. Capital Stock, No Par Value; Socony-Vacuum Oil Company, Inc. $15 Par Capital Stock and Swift & Co. $25 Par Capital Stock, be and the same are hereby approved; and

It is further ordered, That decision with respect to the applications of the San Francisco Stock Exchange for permission to extend unlisted trading privileges to Climax Molybdenum Co. Common Stock, No Par Value; Douglas Aircraft Company, Inc. Capital Stock, No Par Value; International Paper Co. $15 Par Common Stock and 5% Cumulative Convertible Preferred Stock, $100 Par; Newport News Shipbuilding and Dry Dock Company $1 Par Common Stock; Pepsi-Cola Company $1 Par Common Stock; Southern Natural Gas Co. $7.50 Par Common Stock; Southern Railway Co. Common Stock, No Par Value and United States Rubber Co. $10 Par Common Stock be reserved with leave to the applicant exchange to notify the Commission, within a period of fifteen days from the date of this order, of its desire to introduce additional evidence with respect to these applications. If no such notification is received within this time, an order will then be issued denying said applications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3463; Filed, April 20, 1942; 9:50 a. m.]